

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**W13b**

Filed: 10/30/98
49th Day: 12/18/98
Hearing Opened: 12/8/98
Hearing Scheduled: 2/3/99
Applicant postponement request
until April 1999 1/14/99
Applicant postponement request
until May 1999 3/23/99
Staff: RH
1st Staff Report: 4/27/99
Hearing Date : 5/13/99
SI found 5/13/99
Applicant de novo postponement request
until July 5/4/99
2nd Staff Report 6/23/99
Hearing date 7/14/99

STAFF REPORT: APPEAL
DE NOVO COASTAL PERMIT

LOCAL GOVERNMENT: County of Santa Cruz

DECISION: Approval with Conditions (See Exhibit 2)

APPEAL NO.: A-3-SCO-98-101

APPLICANT: **FRED BAILEY AND GREG STELTENPOHL**

PROJECT LOCATION: 3500 Highway 1 (opposite the highway's intersections with Davenport Avenue and Center Street), Davenport, Santa Cruz County. APN 58-121-04 (see Exhibit 1)

PROJECT DESCRIPTION: Reconstruct a 13,127 sq. ft. building and add 9,796 sq. ft. for a three-phased, mixed use project (commercial/residential/manufacturing); grade for and construct a new parking area (see Exhibit 3)

APPELLANTS: (a) Susan Young, Citizens for Responsible North Coast Planning; (b) George Jammal, Sierra Club; (c) David S. Kossack

FILE DOCUMENTS: Santa Cruz County Coastal Development Permit 95-0685 file; Santa Cruz County Certified Local Coastal Program (LCP) consisting of *1994 General Plan and Local Coastal Program for the County of Santa Cruz* and portions of the *County Code* and *Zoning Map*; aerial photographs; *Addendum to the General Plan for the Davenport Beach and Bluffs*

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve a coastal development permit for a modified and substantially reduced project. Major issues are summarized below; detail is provided in the substantive findings of this report.

Project Background

This project proposes to renovate and expand a former agricultural packing shed to support a mixed use development of a restaurant, retail shops, conference meeting rooms, micro-juicery, warehouse, offices, five overnight accommodations, and a spa. The project is located between Highway One and the ocean, in the Town of Davenport in northern Santa Cruz County – a town of approximately 200 people surrounded for the most part by rural agricultural lands. The town is dominated by the presence of the Davenport Cement Plant, but is also a popular whale watching location and visitor-destination. Apart from the cement plant industrial facility, there are approximately 20,000 square feet of commercial, warehousing and manufacturing uses on the inland side of the highway. The existing building to be expanded is the only significant structure seaward of the Highway. Prior to this proposal, it was used for juice manufacturing and distribution.

The expansion would increase the total usable square footage of the building from 13,127 to 22,918 square feet, although the footprint of the building would only be increased by 234 square feet. It would also increase the profile of the building from 3-6 feet and thus the overall mass of the building as well. The project would include a 66-car parking lot on an open blufftop field, adjacent to the existing building, to support the new mixture of uses approved by the County. This field has been used informally for parking for many years by people who stop to visit Davenport, or to access the beach, and coastal bluffs, and to enjoy the views of the ocean provided at this location.

On May 13, 1999 the Commission found that a substantial issue was raised by the appeal. Although the Commission's findings recognized many positive aspects of the project, including its visitor-serving nature and its provision of public access, substantial issues were raised by the project's impacts on community character and visual resources; balance of appropriate uses; public access; water and sewer supply; nonpoint source pollution; and cumulative impacts. The impact of the parking proposed for the upper portion of the site on visual resources and community character raised particular concern.

Recommendation

The project primarily involves competing LCP policy objectives in a rural community--provision of visitor-serving facilities and protection of visual resources and community character. Based on further review, staff is recommending approval of a substantially reduced project that limits increased use of the site to the existing building footprint and profile; and that limits parking to the lower portion of the site. The local coastal program is clearly supportive of visitor-serving (and other) uses on the Highway One frontage in Davenport. However, it is also protective of visual resources, especially along the

shoreline. In this case, it is possible to have a substantial level of visitor-serving uses in scale with Davenport's community character and not compromise the visual resource. This is best achieved by keeping new development within the confines of the existing building envelope.

Overall, as conditioned herein, the approved project would preserve significant public ocean vistas as well as the special character of the Davenport community. Recommended conditions limit the reuse of the existing building to its current footprint (minus the intrusion into the Caltrans right-of-way) and profile. This will protect the existing shoreline vista as seen from Highway One, and as nearly as feasible maintain the visual "status quo" of the community's character and scale. (*e.g., Conditions I.D, IV.A, VI.B*) Regarding kinds of uses, recommended conditions require that the mix of uses ultimately pursued maintains an adequate visitor-serving component. (*Conditions III.B, VI.A*)

Concerning other issues, for public access, the essence of a County condition to ensure that the existing accessway remains publicly available is retained. (*Condition III.A*) With regard to services, recommended conditions require the applicants to either design a project that could be served by their existing water and wastewater service amounts or to provide guarantees that the necessary improvements will be in place prior to the issuance of their building permits (*Conditions IV.B, IV.C*). With the conditions that require a substantial reduction in the size of the parking lot, as well as drainage conditions, the project is consistent with the LCP policies concerning nonpoint source runoff. (*Conditions III.G, V.B, VI.C*) Conditions requiring following the geotechnical recommendations render the project consistent with LCP grading, hazard and erosion policies. (*Conditions II.C, III.F, IV.A.11, V.D, V.J.3*). Regarding habitat protection, a recommended condition is for an open space restriction on a riparian zone to the south of the building. (*Condition III.C*)

Effect of Reduced Parking Recommendation on Project Uses and Design

The staff recommendation retains the use flexibility that the County allowed and gives the applicant the opportunity to redesign the project to maximize parking in the lower area.. Currently, the project shows 13 spaces below. By removing planned loading and some landscaped areas, it may be possible to fit about 20 cars (an earlier site plan showed 18 spaces). A further option may be to devote part of the lower floor of the building to parking as well and yield another 15 spaces or so.

The current building coverage is 13,127 square feet. The applicants had proposed adding a partial second story; (9,557 square feet). With a slight increase in proposed lower floor coverage, the total floor area would be 22,918 square feet. However, with the recommended reduction in parking to approximately 20 spaces, the total square footage of the proposed renovation would need to be reduced. This is because under the LCP parking ratios, 20 parking spaces can only support a limited amount of square footage, no matter what the use. At bottom, a two-story project is probably not achievable unless part of the first floor was used for additional parking.

For a one-story project there would be roughly 656 to 1,010 square feet per parking space. Uses would have to be limited to manufacturing, warehousing, visitor-serving accommodations, or some combination to meet minimal parking standards. The optimal project from a Coastal Act perspective would be a facility consisting of overnight studio and/or one-bedroom visitor units, each of which requires one parking space. If the facility were to be one story, the applicants could elevate the floor (since the building is 24 feet high) and optimize views from inside. This would leave a ground floor that, as noted, may be available to use for parking (this would require a redesign of the building, perhaps compromising its design character, but this elevation is largely screened from Highway One passersby). With the additional parking spaces generated, it may then be possible to allocate some space to a small retail and /or food service establishment in the project. The remainder of the lower floor not used for parking would have to be devoted to no uses, storage, or manufacturing (the latter, as well as retail, however, require a loading area which reduces parking space potential).

Another concern with this scenario would be that a retail and/or food service use would generate increased traffic, and the lower parking lot is not conducive to this given poor site distances at its entry to Highway One. Even without such more intensive uses, Caltrans will almost certainly require a left-turn lane on Highway One at the project entrance, if there is only this one lower parking lot. This could be a costly undertaking and involve further environmental review since it would entail widening the highway in a steep and potentially environmentally sensitive location.

As to the upper area of the site, this recommendation would not allow development of a formalized parking lot. Currently, it is partially used for informal public parking, which also extends onto the Caltrans right-of-way and the adjacent parcel; only about one-third of the dirt lot is on the applicants' property. Hopefully, the Community Planning process now underway in Davenport would lead to some decision on the best ways to accommodate public parking within the scenic and community character context. Thus, this issue may be revisited in the future.

TABLE OF CONTENTS

I. STAFF RECOMMENDATION ON COASTAL PERMIT	6
II. RECOMMENDED CONDITIONS.....	6
STANDARD CONDITIONS	6
SPECIAL CONDITIONS	7
III. RECOMMENDED FINDINGS AND DECLARATIONS	25
A. BACKGROUND	26
1. <i>Setting</i>	26
2. <i>Project Approved by County</i>	27
B. ANALYSIS OF PROJECT CONSISTENCY WITH LOCAL COASTAL PROGRAM AND COASTAL ACT	28
1. <i>Special Coastal Community and Visual Issues</i>	28
2. <i>Types of Land Use</i>	37
3. <i>Parking, Circulation and Public Access</i>	45
4. <i>Public Services: Sewer and Water</i>	51
5. <i>Nonpoint Source Pollution</i>	54
6. <i>Archaeological Resources</i>	55
7. <i>Cumulative & Growth-Inducing Impacts</i>	56
8. <i>Geotechnical</i>	57
9. <i>Biological</i>	58
C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	59

EXHIBITS:

1. Location Maps
2. County Findings and Conditions
3. Selected Exhibits from County Approval
 - Exhibit A . Architectural Plans prepared by Franks Brenkwitz and Associates dated March 4, 1998 consisting of 9 sheets:
 - Sheet A-1 - Title Sheet (not reproduced in this report)
 - Sheet A-2 - Site Plan
 - Sheet A-3 - Landscape of Entire Site (not in this report)
 - Sheet A-3.1 - Landscape Plan of New Parking Lot (not in this report)
 - Sheet A-4 - Existing Floor Plan of Building (not in this report)
 - Sheet A-5 - Lower Floor Plan
 - Sheet A-6 - Upper Floor Plan
 - Sheet A-7 - Exterior Elevations
 - Sheet A-8 - Exterior Elevations
 - Exhibit B - Preliminary Grading and Drainage Plans prepared by Bowman and Williams dated March 4, 1998 consisting of 3 sheets:
 - Sheet C-1 - Plan View of Northwestern Portion of Site (not in this report)
 - Sheet C-2 - Plan View of Central Portion of Site (not in this report)
4. Revisions to Plans Required
5. Correspondence

I. STAFF RECOMMENDATION ON COASTAL PERMIT

The staff recommends that the Commission, after public hearing, **approve** the Bailey-Steltenpohl coastal development permit with conditions.

MOTION: Staff recommends a “YES” vote on the following motion:

“I move that the Commission APPROVE coastal development permit A-3-SCO-98-101, subject to the conditions below.”

A majority of Commissioners present is required to pass the motion.

RESOLUTION:

The Commission hereby **grants** a permit for the proposed development as conditioned below, on the grounds that, as conditioned, it will be in conformity with the certified Santa Cruz County Local Coastal Program, that it is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, and that there are no additional feasible mitigation measures that would lessen any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).

II. RECOMMENDED CONDITIONS

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions

Note: Given that the County action involved a local commercial development permit as well as a coastal permit and to illustrate the effect of this Commission action, changes to County conditions are shown with ~~strikeout~~ and underline. Conditions in italics are imposed by the local government pursuant to an authority other than the Coastal Act and remain in full force and effect. No changes shall be made to those conditions in italics that change the effect of any of the other conditions in plain text, without a coastal permit amendment.

I. The development approved by this permit and the special reporting requirements are specified below.

A. This permit authorizes the construction of a commercial mixed use building with up to two residential dwelling units to be constructed in up to three phases and associated parking areas ~~according to Exhibit A;~~ and any the grading necessary ~~to construct the new parking area in accordance with a full set of revised plans (see condition I.D below)~~ Exhibit B. The permit includes a Variance to reduce the front yard setback to 0 feet for a 53 lineal foot portion of the building. ~~The construction phases are as follows:~~

~~Phase 1 – Reconstruction of the northwest half of the existing building to include restaurant/cafe, retail shops and conference meeting rooms on the upper floor and micro-juicery and warehouse and 3 offices on the lower floor and the new 66 vehicle space parking lot.~~

~~Phase 2 – Reconstruction of the southeast half of the existing building to include 1 office and 3 visitor accommodation units on the upper floor and 1 office, a day spa, 2 visitor accommodation units and 1 dwelling (for caretaker) on the lower floor and renovation of the existing parking lot to provide for 13 vehicle spaces~~

~~Phase 3 – Construction of a detached greenhouse of 750 square foot greenhouse and “boat house” dwelling as shown on sheet A-3 of Exhibit A.~~

~~Phases 1 and 2 may be implemented either separately or simultaneously. However, separate implementation will require total completion of phase 1 before commencing phase 2. In any case, phase 3 shall not occur until phases 1 and 2 are completed.~~

B. This permit supersedes all previous discretionary permits approved for this parcel.

C. *If the applicants elect to construct the project in phases, this permit shall be reviewed by the Planning Commission at the end of each development phase to determine if all permit conditions have been adequately implemented. In the case of simultaneous implementation of phases 1 and 2, the Planning Commission shall review the project initially, upon completion of the 66-vehicle parking lot and sequentially after the completion of all phase 1 and 2 requirements. The Planning Commission shall schedule the public hearing review of this permit if, during the Commission's review of a status report prepared by Planning staff, it is determined that a public hearing will facilitate compliance with the requirements of this permit.*

D. The entire set of plans in Exhibit A, Architectural Plans and Exhibit B Grading Plans must be revised as follows and submitted for Executive Director review and approval, PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT:

1. All structural improvements shall be made within the existing footprint and profile of the main building, except for decks and outbuildings. The footprint shall be reduced to conform to the plans in Exhibit 2 and the Variance approval, removing the portion in the Caltrans right-of-way to a setback of four feet at ground floor level. The profile of the main building is established by the existing elevation of the highest point of the roof above sea level.

2. Parking (and any loading) associated with the building must be shown within the lower area of the property, as depicted on Exhibit 4, (the lower floor of the building may be used for parking).

3. All detached structures, including the proposed greenhouse, boat house, and storage shed, must be shown on the final plans, including elevations.

4. All off-site improvements must be shown.

II. Prior to exercising any rights granted by this permit, including without limitation, **any** construction or site disturbance, the applicant/ owner shall provide evidence to the Executive Director that the following have occurred:

- A. *Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.*
 - B. *Obtain a Building Permit for ~~Phase 1~~ of the project from the Santa Cruz County Building Official. Construction drawings for phase 1 shall conform to Exhibit A. Building Permits for phases 2 and 3 of the project shall be required. Construction drawings for these two phases shall also conform to Exhibit A. Building Permits for these construction phases shall be issued after the Building Permit for phase 1 has been finalized if phases 1 and 2 are constructed separately.*
 - C. *Obtain a Grading Permit, if necessary, from the County of Santa Cruz Planning Department. This requires submittal of a grading permit application to the building counter of the Planning Department, including two copies of complete grading, drainage, and erosion control plans in conformance with minimum County standards. The permit fee in effect at the time of submittal shall be paid. Final Grading Plans shall conform to Exhibit B, as will be revised. (Refer to Condition III.FIV.A.11). Submit final engineered drainage plans to County Planning for review and approval as part of the Grading Permit application submittal.*
 - D. *Pay a Negative Declaration filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.*
- III. Prior to issuance of a coastal development permit and a Building Permit for ~~phase 1~~ of the project the applicant/owner shall:
- A. Execute and record a document, in a form and content acceptable to the Executive Director, which shall dedicate to Santa Cruz County a permanent public easement for public pedestrian access toward the shoreline. The area of dedication shall consist of a corridor at least ten feet wide encompassing the existing trail located southeast of the existing building extending from the northern to southern property line as shown on Exhibit 4. The recorded document shall include legal descriptions of both the applicants' entire parcel and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. Dedicate a permanent public easement for pedestrian beach access over the existing trail located southeast of the existing building. The easement document shall be reviewed and approved by County Planning staff and County Counsel prior to recordation of the document.
 - B. ~~Dedicate a permanent public easement over the existing trail paralleling the coastal side of the rail road tracks and a route that joins this trail to Highway 1~~

~~that includes the new stairway described in conditions III.E and V.D for pedestrian beach access. This easement will include 4 foot wide strip of land across the parking lot from the stairway to the Highway 1 right-of-way. The easement document shall be reviewed and approved by County Planning staff and County Counsel prior to recordation.~~

Execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the restriction on uses limited to those specified in Condition VI.A. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

- C. ~~Dedicate a permanent right-of-way over the driveway entrance to the 66 vehicle parking lot and a connecting route of a least 20 feet in width to adjoin with A.P.N. 58-121-03 for the purpose of providing shared vehicle access with A.P.N. 58-121-03 if that parcel is developed in the future. The right-of-way document shall be reviewed and approved by County Planning staff and County Counsel prior to document recordation. Execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the following restriction on development in the designated riparian open space area as shown in Exhibit 4. The riparian corridor and its associated buffer area to be protected is shown in Exhibit 4; alternatively, the riparian corridor and buffer may be more precisely delineated by a qualified biologist and the resulting mapped area submitted to the Executive Director for review and approval. Such delineation shall be in accordance with the provisions of County Code Section 16.30.030 (definitions of riparian corridor and riparian woodland).~~

No development, as defined in section 30106 of the Coastal Act, other than that specifically authorized by these permit conditions, shall occur in the open space area except for: vegetation removal for fire management, removal of non-native vegetation, or planting of native vegetation. Rail transport and public access improvements and use are permitted are on the trails and rail line. The area subject to this restriction shall be kept free of debris.

The deed restriction shall include legal descriptions of both the applicants' entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

- D. Obtain an Encroachment Permit from Caltrans for any work within its right-of-way ~~the installation and maintenance of landscaping as shown on sheet A-3.1 of Exhibit A.~~

- E. *Obtain a Building Permit for the construction of any public pedestrian stairway to traverse the slope at the corner of the site as shown on sheet A-3.1 of Exhibit A. The construction drawings shall be reviewed and approved by a geotechnical engineer.*
- F. ~~Obtain a Grading Permit. This requires submittal of a grading permit application to the building counter of the Planning Department, including two copies of complete grading, drainage, and erosion control plans in conformance with minimum County standards. The plans shall conform to Exhibit B of this permit. The permit fee in effect at the time of submittal shall be paid. To prevent any soil or bluff instability problems on the project site, all project development shall follow the recommendations of the geotechnical report prepared for this project by Reynolds and Associates dated May 5, 1997 and its addendum report, including the requirement that all grading and paving associated with the new parking lot be set back a minimum of 25 feet from the edge of the bluff that borders the southwestern edge of the parcel. All requirements of the approved Grading Permit are, by reference, hereby incorporated into the conditions of this permit.~~

No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.

- G. ~~Submit final engineered drainage plans to County Planning for review and approval as part of the Grading Permit application submittal. Final grading plans shall conform to Exhibit B of this permit. Include on the submitted plans provisions to accomplish the following: To prevent discharges from carrying silt, grease and other parking lot contaminants, the final drainage plan shall incorporate a silt and grease trap at the most downstream inlet of the parking lot drainage facilities.~~
- IV. Prior to the issuance of a coastal development permit and prior to issuance of a Building Permit for any of the 3 construction phases, the owner/applicant shall:
- A. Submit construction drawings that are in substantial conformance with Exhibit A, as will be modified pursuant to condition I.D and which include the following:
1. Exterior elevations identifying finish materials and colors in conformance with condition IV.A.12 of this permit.
 2. Floor plans identifying each room and its dimensions, the intended use of each room (from the list in condition VI.A), and the required parking. The building plans and uses shall not generate a parking

demand greater than the amount of parking allowed by condition I.D.2 and shown on the revised site plan.

3. Provide complete screening from public view of all rooftop mechanical and electrical equipment.
4. A site plan showing the location of all site improvements, including but not limited to, points of ingress and egress, parking areas, loading areas, turnarounds, trash and recycling enclosures, utility connections, easements ~~and pedestrian trail routes, and other access-related features.~~
5. All new electrical power, telephone and cable television service connections shall be installed underground. Pad mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping or installed in underground vaults. Utility meters, such as gas meters and electrical panels shall not be visible from public streets or building entries.
6. A final sign plan showing dimensions, location, material and colors. No sign illumination is allowed. Plastic shall not be used as a sign material. Commercial signage shall be limited to one freestanding sign ~~at each the project entrance and one at the upper portion of the site.~~ Both signs shall be designed to be consistent with the architectural character of the main building and as an integral part of the landscape area. Both signs must be set back 5 feet from the edge of the Highway 1 right-of-way and shall not obstruct sight distance of motorists or pedestrians. The maximum height of each sign is 7 feet above grade. The maximum total aggregate sign area of ~~both the lower entrance signs is 5025 square feet and of the upper sign is 12 square feet.~~
7. ~~Parking, loading and circulation areas shall be surfaced with a minimum of 2 inches of concrete finished as colorized stamped concrete as specified in Exhibit C of this permit. The pedestrian route from the edge of Highway 1 to the stairway described in condition III.F shall be defined with another type of paving material such as interlocking concrete paver block.~~
8. The ~~two~~ parking areas shall include ~~79~~ sufficient parking spaces (of which 40% may be designed to compact car standards) to meet the requirements of current County Code Section 13.10.552 (i.e., 1 space per 1000 sq. ft. of restaurant/café; 1 space per 600 ft. of manufacturing; 1 space per 1000 sq. ft of warehouse; 1 space per 200 sq. ft. of office; 1 space per 33 sq. ft. of conference and seminar meeting rooms; 1 space per 200 sq. ft. of retail sales; 1

space per 200 sq. ft. of public buildings and grounds, 2 spaces per one bedroom residential dwelling unit and 1 space per Type A overnight accommodation habitable room). ~~Four~~ One of the spaces must be designed as a handicapped accessible parking space. ~~These~~ This spaces shall be ~~located as shown on the required revision of Exhibit A.~~ Twenty-three ~~b~~ Bicycle parking spaces shall also be provided as and shown on Exhibit A according to Code Section 13.10.552. All spaces and loading berth(s) shall be ~~delineated by a variation in the color and pattern of the stamped concrete surfacing and defined by wheel stops.~~ The size of each standard parking space shall be not less than 18' X 8-1/2'. Compact spaces shall be at least 16' X 7-1/2'. Handicapped accessible spaces shall be 18' X 14'. Each bicycle space shall be 6' X 2' in size and equipped with a parking rack to support the bicycle and be of sufficient material and strength to prevent vandalism and theft.

9. ~~At least 2~~ At least 2 ~~loading spaces (sized 45' X 14') shall be provided, if necessary (i.e., if retail or warehouse use is included) and designed in accordance with sections 13.10.570 -.571 of the County Code.~~
10. The lighting of all parking and circulation areas ~~shall be limited to pedestrian oriented lighting not to exceed 3 feet in height. This lighting shall be minimized to the amount necessary for safety purposes. One light standard on each side of each the driveway entrance to the project shall be permitted. Other lighting shall be located where necessary to allow safe pedestrian use of the parking area at night. All lighting shall be designed so it does not produce any glares off-site.~~
11. Follow all recommendations of the geotechnical report prepared by Reynolds and Associates for this project dated May 5, 1997 and its addendum, regarding the construction and other improvements on the site, ~~including the requirement that all grading and paving associated with the parking lot be setback a minimum of 25 feet from the edge of the bluff that borders the southwestern edge of the parcel.~~ All pertinent geotechnical report recommendations shall be included in the construction drawings submitted to the Executive Director of the Coastal Commission and the County for a Building Permit. All recommendations contained in the County acceptance letter(s) dated November 3, 1997, shall be incorporated into the final design. A plan review letter from the geotechnical engineer shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the geotechnical engineer.

12. To further minimize the visual impact of the main project building to insignificant levels and allow ocean vistas to be retained at the northwest portion of the parcel, these features shall be incorporated into the project:
 - a. The exterior colors at the main project building shall be earthen tone colors that blend with the surrounding landscape or corrugated metal siding replicating an agricultural building, ~~both of which have been approved by County Planning;~~
 - b. The landscape plan prepared for this project prepared by Franks Brenkwitz and Associates dated March 4, 1998 (sheet A-3.1 of Exhibit A) shall be modified to conform to the required revised design and shall be implemented prior to final inspection and clearance of the Building Permit for phase 1 of the project. No additional landscaping that blocks views of the ocean from Highway One shall be shown on or fronting the upper portion of the site; additional screening vegetation shall be shown fronting the main building where the existing driveway entrance will be replaced and fronting any other structures that are exposed to public view by the new driveway entrance;
 - c. Any fencing in the vicinity of the ~~parking lot~~ upper meadow area shall be limited to the rustic split rail fencing design shown on the landscape plan that restricts access to the edge of the bluff ~~southwest of the parking lot.~~
 13. *Final plans shall note that Davenport Water and Sanitation District will provide water service and sewer service and shall meet all requirements of the District including payment of any connection and inspection fees as specified in the two following conditions below. Final engineered plans for water and sewer connection shall be reviewed and accepted by the District.*
- B. ~~To prevent over utilization of the Davenport Water and Sanitation District's domestic water supply, the owner/applicant shall~~ Provide revised calculations of water use based on the required revised plans and provide the necessary improvements to the District water treatment plant as determined by the District for an the additional 3,000 number of gallons/day of domestic water use that is calculated. The installation of improvements may be spread over a time period specified by the District. ~~as long as, at least one-half of the necessary improvements are installed prior to the final inspection and clearance of the Building Permit for phase 1 of the project and all remaining improvements are completed prior to the final inspection and clearance for phase 2 occupancy~~ If the revised calculations result in a projected water use

greater than 4,216 gpd (as verified by County Public Works Department), then the applicants shall submit a revised, updated written commitment from the water purveyor guaranteeing that the required level of service for the project will be available prior to the issuance of building permits. Alternatively, the permittee may construct the project in phases, with Phase 1 uses limited to requiring an estimated water use of 4,216 gpd and subsequent phases linked to updated written service commitments for the corresponding amount of projected additional water use.

- C. To prevent over capacity problems from being exacerbated from project sewage discharges into the Davenport Water and Sanitation District's sewer system, the owner/applicant shall pay the appropriate sewer connection charges, as calculated by the District, to pay for the necessary sewer system upgrades. The applicants shall provide revised wastewater calculations based on the revised water calculations. If the revised calculations result in a projected wastewater generation of greater than 1,455 gpd (as verified by County Public Works Department), then the applicants shall submit a revised, updated written commitment from the wastewater agency guaranteeing that the required level of service for the project will be available prior to the issuance of building permits. Alternatively, the permittee may construct the project in phases, with Phase 1 uses limited to generating an estimated 1,455 gpd and subsequent phases linked to updated written service commitments for the corresponding amount of projected additional wastewater generation. At least 50% of the total fee charges shall be paid prior to the issuance of a Building Permit for phase 1 of the project. An additional payment of at least 43% of the total charges shall be paid prior to issuance of the Building Permit for phase 2 construction. The remaining 7% of the total charges shall be paid prior to issuance of the Building Permit the phase 3 construction. A Certificate of Occupancy shall not be issued by County Planning for any construction phase until the planned sewage system improvements have been completed by the Davenport Water and Sanitation District.

- D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence that the following measures have been satisfied:

1. Meet all requirements and pay the appropriate plan check fee of the California Department of Forestry and Fire Protection.

E. 2.—Pay the Santa Cruz County Park Dedication fee in effect at the time of Building Permit issuance for phase 3. On March 25, 1998, this fee would total \$ 538.00 for a 1 bedroom single-family dwelling.

~~F.~~ 3.—*Pay the Santa Cruz County Child Care fee in effect at the time of Building Permit issuance. On March 25, 1998 the fee is calculated as follows:*

a. *\$0.12/square foot of warehouse floor area;*

2.b *\$0.23/square foot of floor area for all other approved commercial and visitor-serving uses; and*

3.c *\$109.00/bedroom for single-family dwellings (phase 3).*

~~G.~~ 4.—*Meet all requirements of the Department of Public Works and pay all fees for Zone 4 Santa Cruz County Flood Control and Water Conservation District including plan check and permit processing fees.*

~~H.~~ 5.—*Submit a written statement signed by an authorized representative of the Pacific School District and the Santa Cruz High School District in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.*

V. All construction shall conform to the approved plans issued for a ~~Grading Permit and separate Building Permits~~. The following requirements shall be met during all grading and construction activities:

A. To prevent this project from contributing to accelerated filling of either the City or County of Santa Cruz landfills, the owner/applicant shall have the all excess fill material from grading activities that is removed from the site transported to Big Creek Lumber Company on Highway 1 for use as 6 inch cover on the surface of their staging yard or transported to another County approved fill site. If the fill site is in the coastal zone, then its use for receiving fill must be authorized by a coastal development permit or by a valid County permit that predates the California Coastal Act.

B. To control all surface drainage and prevent erosion impacts, the owner/applicant shall implement an engineered drainage plan that conforms to the preliminary engineered drainage plan prepared for the project by Bowman and Williams dated March 4, 1998 (Exhibit B) for the areas allowed by this permit to be paved. The final approved plan shall be implemented as part of the Grading Permit for this project. A silt and grease trap shall be installed as discussed in condition III.G above at the same time other drainage improvements are installed. All improvements specified in the approved plan shall be installed prior to final inspection and clearance of the Building Permit for phase 1 of the project.

- C. To minimize dust impacts to surrounding properties ~~during excavation for the new parking lot~~, the owner/applicant shall have a water truck on the site during all major grading activities and shall have all exposed earthen surfaces water sprayed at frequencies that prevent significant amount of dust from leaving the project site.
- D. To prevent increased erosion of the steep bluff face that borders the southwestern edge of the parcel from increased pedestrian traffic, the owner/applicant ~~shall~~ may construct a pedestrian stairway to traverse this bluff face and repair the three areas of pedestrian induced erosion on the bluff face ~~prior to final inspection and clearance of the Building Permit for phase 1 of this project. The stairway shall be located to provide access from the southwest corner of the new parking lot.~~ The stairway shall be constructed according to the approved Building Permit plans for this improvement (Refer to condition III.E)
- E. *To minimize noise impacts to insignificant levels to users of the project building, all building construction shall meet noise insulation requirements for residential and commercial buildings as specified in the Uniform Building Code.*
- F. *To prevent operational conflicts from occurring from project generated traffic, the owner/applicant shall make the following improvements ~~prior to completion of phase 2 of the project~~:*
 - a. *Realign the south project entrance driveway to be located directly opposite Davenport Avenue to create a "4-legged" intersection with Highway 1 according to Caltrans specifications; and*
 - b. *Provide striping and signage on Highway 1 as approved by Caltrans which advises northbound motorists that northbound left turns into the south driveway entrance to the project are disallowed and/or*
 - c. *Comply with any modified or additional County Public Works Department or CALTRANS requirements regarding project access.*
- G. All new electrical power, telephone, and cable television service connections shall be installed underground.
- H. *All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.*
- I. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is

discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100 shall be observed.

- J. All construction shall be performed in accordance with the approved plans. The applicant shall provide evidence to the Executive Director (within 5 days of their completion) that the following conditions have been satisfied. Prior to final building inspection and building occupancy for each construction phase, the owner/applicant shall meet the following conditions:
1. All site improvements shown on the final approved Building Permit plans shall be installed;
 2. *All inspections required by the Building Permit shall be completed to the satisfaction of the County Building Official; and*
 3. The project geotechnical engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geotechnical report. A copy of the letter shall be kept in the project file for future reference.

VI. Operational Conditions.

- A. This permit constitutes a Master Occupancy Program for the project site. Those "C-1" and "CT" zone district uses specified below shall be authorized to occupy the subject building provided that a Level 1 Change of Occupancy Permit is issued by the County of Santa Cruz Planning Department. No use or combination of uses will be allowed which requires more parking than available on site confined to the areas designated for parking pursuant to condition I.A and consistent with the limitation of condition IV.A.2. In no case shall more than 50% of the parking spaces be allocated to non-visitor serving uses (see definition of visitor-serving in Glossary of 1994 General Plan and Local Coastal Program for the County of Santa Cruz.) The "C-1" and "CT" zone district uses allowed on the site are as follows:
1. Restaurant/cafe
 2. Micro-juicery and warehouse associated with a restaurant and/or café in the "vicinity" of the project site, which shall mean in this case the town of Davenport

3. Offices, not to exceed 50% of the floor area of the building, and associated with the permitted restaurant/café, conference, seminar, visitor-oriented retail, spa, or visitor accommodation uses or associated with agricultural or marine products.
 4. Conference and seminar facilities
 5. Neighborhood scale retail sales (See County Code Section 13.10.332)
 7. Two residential dwelling units
 8. Day spa, sauna, hot tub uses
 9. "Type A" overnight visitor accommodations (See County Code Section 13.10.332)
- B. All landscaping shall be permanently maintained with the species specified on the landscape plan. Replacement of any tree or shrub fatalities shall be done with the same species as shown on the plan or a species with nearly identical characteristics as approved by the Executive Director County Planning. ~~Parking lot landscaping shall always be limited to ground cover and low growing (less than 2-1/2 feet in height) shrubs. Shrubbery shall be maintained in good condition to provide maximum screening, but at no time shall it separately block the view of the shoreline at the base of the cliffs as seen from Highway One.~~ All hedges surrounding the project buildings shall be permanently maintained as follows. The Monterey cypress hedge at the southeast and northwest ends of the building shall be maintained with a cut height of 7 feet and a maximum growth height of 9 feet. The *Myoporum* hedge parallel to Highway 1 shall be maintained with a maximum height that does not exceed the height of the main building. The maintenance of landscaping shall include the following practices:
1. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
 2. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions

where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

3. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be utilized to maximize the efficiency of water applied to the landscape.
 4. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
 5. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
 6. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- C. All installed drainage facilities shall be permanently maintained. The silt and grease trap shall be maintained on a regular basis according to the following monitoring and maintenance procedures:
1. The trap shall be inspected to determine if it needs to be cleaned out or repaired at the following minimum frequencies:
 - a. Prior to October 15 each year;
 - b. Prior to April 15 each year; and
 - c. During each month it rains between November 1 and April 1.
 2. A brief annual report shall be prepared by the trap inspector at the conclusion of each October 15 inspection and submitted to the property owner and to County Public Works staff within 15 days of this inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- D. ~~The stairway discussed in condition V.D above shall be permanently maintained in good condition by the property owner. Similarly, t~~The earthen pedestrian trails described in conditions III.A and III.B above shall be maintained free from erosion and obstructions by the property owner.

- E. Any live or recorded music played on the premises shall not be heard beyond the subject property. No music shall be played within the 66-vehicle parking lot.
 - F. The hours for retail and public food serving uses shall be limited to 6:00 a.m. to 9:00 p.m.
 - G. ~~Busses must park in the lower parking lot and only use the new 66-vehicle upper parking lot to discharge passengers~~ A separate coastal permit or amendment to this permit is required for any additional "development," as defined in Section 30106 of the Coastal Act, of the upper meadow area.
 - H. In the event that there is non-compliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement with regard to the County unless such Development Approval Holder has approved the settlement. When

representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.*
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.*

VIII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Conditions III.F and IV.A.11 (Prevention of Soil Instability)*

Monitoring Program: The Grading Permit and Building Permit for phase 1 will not be issued by County Planning until a geotechnical engineer's review and approval letter is submitted specifying plan conformance with the geotechnical report. Planning staff inspection for the Grading Permit will include verification of the required 25-foot setback from the top of the steep slope. Neither the Building Permit nor the Grading Permit will be finalized without a final inspection and approval letter from the project geotechnical engineer. All review letters shall be permanently retained in the project file.

- B. Mitigation Measure: Conditions III.G, V.B. and VI.C (Provide and Monitor Silt and Grease Traps)*

Monitoring Program: The Grading Permit and Building Permit for phase 1 will not be issued by County Planning without the appropriate number of silt and grease traps identified on the final drainage plan. Planning staff

inspection of the Grading Permit and sign-off for the Building Permit will not occur until the traps have been installed according to the approved plans. The owner/applicant shall submit monitoring reports, as specified by condition VI.C to the Drainage Section of the County Public Works Department. Public Works will advise County Planning of any problems with trap maintenance or non-receipt of monitoring reports. In that case, Planning will contact the property owner and take appropriate enforcement action to correct the problem.

C. Mitigation Measure: Condition IV.A.12 (Minimization of Visual Impacts)

Monitoring Program: The requirements of this condition will be checked during plan review ("Zoning Plan Check") of the construction drawings submitted for Building Permits. A Building Permit for phase 1 and subsequently phase 2 will not be issued until the drawings conform with the requirements of this permit condition. Planning staff will verify all requirements have been met in the construction of the project before holds on the Building Permits for each construction phase have been released. Photos of each completed phase of the project will be taken at the time the hold is released and permanently retained in the project file.

D. Mitigation Measure: Condition IV.B (Improvements to the Water Treatment facilities of the Davenport Water and Sanitation District)

Monitoring Program: The owner/applicant shall enter into an agreement with the DWSD to provide the needed improvements to the domestic water system as required by condition IV.B. The Building Permit for each phase of construction will not be issued by County Planning until a written notification from the DWSD staff has been received specifying that an agreement between the owner/applicant and DWSD has been approved. Requirements to implement the agreement shall be specified in this notification. Final inspection and clearance of the Building Permit for each phase shall not be granted until all requirements have been adequately implemented to the satisfaction of the DWSD staff. Another written notification shall be submitted to Planning by DWSD when all improvements required at each construction phase are completed. All notifications from DWSD shall be permanently retained in the project file.

E. Mitigation Measure: Condition IV.C (Improvements to sewer facilities of the Davenport Water and Sanitation District)

Monitoring Program: The Building Permit for each construction phase shall not be issued by County Planning until all fees are paid as required by condition IV.C. DWSD shall notify County Planning in writing when the appropriate fees have been paid. This notification shall be permanently retained in the project file. These fees will be added to other monies secured by the DWSD to finance sewer replacements. DWSD will advise

County Planning and the owner/applicant in writing when the sewer improvements are completed.

F. Mitigation Measure: Condition V.A (Transport of Excess Fill to Approved Fill Site)

Monitoring Program: The owner/applicant shall inform Big Creek Lumber at least 30 days prior to making an application for a Grading Permit to confirm that the excess fill material can be deposited at Big Creek's lumber yard. If Big Creek no longer wants the material, the owner/applicant shall find another appropriate fill site to propose to County Planning. The Grading Permit shall not be approved until written permission from the fill recipient is provided and the site has been approved by County Planning for inclusion into the Grading Permit. If the fill site is in the coastal zone, then its use for receiving fill must be authorized by a coastal development permit or by a valid County permit that predates the California Coastal Act. The owner/applicant shall submit written verification from the fill material recipient (Big Creek Lumber or other approved fill site) to County Planning staff specifying the approximate volume of fill material received from the project during phase 1 construction. The hold on the Building Permit for phase 1 will not be released nor the Grading Permit finalized by County Planning until this letter is received. This documentation shall be permanently retained in the project file.

G. Mitigation Measure: Condition V.B. (Installation of Drainage Improvements)

Monitoring Program: The hold on the Building Permit for phases 1 and 2 shall not be released by Planning staff until all drainage improvements have been installed according to the approved plans.

H. Mitigation Measure: Condition V.C (Minimization of Dust During Construction)

Monitoring Program: County Planning staff, including the area Building Inspector, shall observe dust containment measures on the site during construction at all regular inspections. Any observed problems will be communicated immediately to the work crew and owner/applicant for rectification in 24 hours. A follow-up inspection will occur in 24 hours to verify the problem has been corrected.

~~I. Mitigation Measure: Condition V.D (Construction of Pedestrian Stairway and Prevention of Erosion on Slope)~~

~~Monitoring Program: The owner/applicant shall submit engineered plans and a geotechnical report for a Building Permit application to construct the~~

~~stairway described in condition V.D. The plans and geotechnical report shall be approved and the Building Permit issued before any other Building Permits are issued for this site. The construction of the stairway shall be completed and a final inspection letter from the geotechnical engineer submitted to County Planning before the hold on phase 1 construction is released.~~

J. Mitigation Measure: Condition V.E (Noise Insulation)

Monitoring Program: The owner/applicant shall include information of the construction drawings for phases 1, 2 and 3 describing how highway noise reduction will be achieved for interior spaces. Building Permits for each phase shall not be issued until noise insulation measures have been approved by Building Plan Check staff. The area Building Inspector shall verify that noise insulation/reduction measures have been adequately installed during regular construction inspections. The Building Permit will not be finalized without noise reduction measures being approved.

K. Mitigation Measure: Condition V.F (Improvements to Avoid Traffic Conflicts)

Monitoring Program: The construction drawings ~~for phase 2~~ shall include the improvements specified by condition V.F as well as a letter from Caltrans demonstrating that the agency has reviewed and approved the plans for these improvements. The Building Permit will not be issued until these requirements have been met. Planning staff will inspect the site to verify that the improvements have been installed as approved. The hold on the Building Permit ~~for phase 2~~ will not be released until the improvements have been adequately installed. Photos documenting the improvements will be taken and permanently retained in the project file.

L. Mitigation Measure: Condition VI.B (Maintenance of Landscaping)

Monitoring Program: Planning staff shall observe the condition of landscaping during each site inspection. Enforcement staff shall respond to citizen complaints regarding landscape maintenance. Any problems shall be immediately communicated to the owner/applicant with follow-up inspections to verify resolution of problems.

~~Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.~~

III. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Background

1. Setting

The proposed development is on the seaward side of Highway 1 in the unincorporated Town of Davenport, approximately ten miles north of the City of Santa Cruz. The site is located on the coastal terrace overlooking Davenport Beach and the Pacific Ocean. The subject 3.04 acre parcel is a long rectangle (approximately 140 by 900 feet) with its eastern length contiguous to Highway 1 (see Exhibit 1). A Union Pacific railroad easement crosses the parcel at its western boundary extending the length of the parcel. The southerly third of the parcel, at elevations of 30-60 feet Mean Sea Level (MSL), is a portion of the upper slope of San Vicente Creek and is vegetated with riparian species. The center of the parcel, at elevations of 65-72 feet MSL, contains an existing 13,127 square foot building and associated parking (referred to as the “lower level” in this report). The northerly third of the parcel is an undeveloped fragment of coastal terrace at elevations of 80-94 feet (referred to as the “upper level” in this report). It is currently comprised of an open field on the southern half and an informal dirt parking area used by the general public on the northern half.

Across this upper level, southbound travelers on Highway 1 through Davenport can view distant cliff faces to the south, glimpses of whitewater where the surf crashes against the shoreline, and a broad expanse of bluewater representing the outer reaches of Monterey Bay, as they pass the upper site. Adjacent on the northwest of the subject site on the oceanside of the Highway is a vacant property owned by RMC Lonestar where many people park informally to view the ocean or access various trails that meander across the adjacent coastal bluffs. The land to the southeast of the riparian portion of the site rises to a marine terrace and is also vacant. Farther to the southeast this bluff top area is farmed in row crops. To the west beyond the railroad right-of-way are a vacant marine terrace, Davenport Beach, and the Pacific Ocean.

Access trails crisscross the coastal bluffs. An existing trail to the southeast of the applicants’ building on the subject site is used by pedestrians to access the beach. A less direct route to the beach is achieved by traversing one of four eroded foot trails from the vacant northwest portion of the site down a steep slope to the railroad. These trails converge at a trail that parallels the railroad tracks which continues to the beach.

Davenport is a small coastal town in Santa Cruz County’s North Coast planning area. Other than an abandoned building owned by RMC Lonestar north of the project site, the existing building on the project site is the only development on the coastal side of Highway 1 in Davenport. The town’s residential population of approximately 200 generally live in modest single-family dwellings. Aside from the cement plant industrial facility, there are approximately 20,000 square feet of commercial, warehousing and manufacturing uses on the inland side of the Highway. Restaurants, a grocery, and a bed and breakfast currently serve visitors traveling the scenic coastline. Davenport is overshadowed by the RMC Lonestar Cement Plant, a major industrial facility to the north of town. Except for the presence of the cement plant, this commercial frontage could be described as “eclectic

frontier rustic” in character. There is a variety of building styles, mostly two stories or equivalent height, none looking architect-designed.

2. Project Approved by County

The proposed project is to reconstruct an existing 13,127 square foot structure and to construct a 9,791 square foot addition on the structure. The additional 9,791 square feet of floor area is primarily achieved by converting the existing mezzanine to a full second story. The height of the building is increased by three to six feet to achieve the interior clearance for a second story floor space within a portion of the building. The structure was a former agricultural packing shed that was converted to a dwelling and several workshops in 1974 under County Use Permit 74-124-U. The County permit was amended in 1984 to allow a juice manufacturing and wholesaling business to locate on the site. A portion of the building is currently leased to the juice company for use as a regional distribution facility. The building also continues to provide residential use.

The County approval includes a Master Occupancy Program for a mixed use project of 22,918 square feet; a permit for excavation of 1,350 cubic yards of earth to construct a parking lot on the northern site to serve the proposed use; a rezoning of the property from the “C-1” (Neighborhood Commercial) Zone district to the “SU” (Special Use) zone district to allow mixed uses on the site; and a Variance to reduce the front yard setback to 0 feet for a 53 lineal foot portion of the building. Also approved were a separate greenhouse, boat-shaped residence, shower building, and tool shed.

The County approval is for a specific, three-phase project that includes exact uses and interior partitions (see Exhibit 2). The following phases are approved under the County permit (as specified in Condition I.A):

Phase 1- Reconstruction of the northwest half of the existing building to include restaurant/café, retail shops and conference meeting rooms on the upper floor and micro-juicery and warehouse and three offices on the lower floor and the new 66 vehicle space parking lot [on the northerly third of the parcel].

Phase 2 -Reconstruction of the southeast half of the existing building to include one office and three visitor accommodation units on the upper floor (studio units) and one office, a day spa, two visitor accommodation units and one caretaker dwelling unit on the lower floor (two rooms with kitchens) and renovation of the existing parking [adjacent to the building] to provide for 13 vehicle spaces.

Phase 3 - Construction of a detached greenhouse of 750 square foot and a “boat house” [in the form of a] dwelling.

In addition, the County also approved Master Occupancy Program (Permit Condition VI.) that specifies more generally the range of uses allowed by the permit over time: (1) restaurant/café; (2) micro-juicery and warehouse associated with a restaurant or café;

(3) offices not to exceed 50% of the floor area of the building; (4) conference and seminar facilities; (5) neighborhood scale retail sales; (6) two residential dwelling units; (7) day spa, sauna, hot tub uses; (8) Type A overnight visitor accommodations (which are hotels, inns, pensions, lodging houses, bed and breakfast inns, motels, and recreational housing units). Thus, the exact mix and location of uses listed in the three phases above and shown on the approved plans could change in the future. An administrative permit (but no coastal permit amendment) is required to allow changes that fit within these parameters of the Master Occupancy Program.

Finally, as approved by the County, the project includes dedication of two existing access trails, required construction of an access stairway, provision of benches on the west side of the parking lot for public viewing use, and granting of a right of way for a possible future connection from the parking lot to the adjacent parking area.

B. Analysis of Project Consistency with Local Coastal Program and Coastal Act

1. Special Coastal Community and Visual Issues

a. Applicable Local Coastal Program Provisions:

The following provisions of the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* are especially applicable:

8.8.2 Coastal Special Community Designation: Maintain a Coastal Special Community Designation for...Davenport...

2.13.4 Expansion of Neighborhood Commercial Designation: Only allow Neighborhood Commercial uses that are small scale, and appropriate to a Neighborhood or visitor service and will not have an adverse traffic, noise and aesthetic impacts on the adjacent residential areas...

2.13.6 Compatibility with Adjacent Development: Ensure compatibility between Neighborhood Commercial development and adjacent areas through Commercial Development Permit procedures to regulate siting, design, landscaping, signage, parking and circulation, drainage, and access. (See Chapter 8 Community Design).

2.16.7 Design of Visitor Accommodations: Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning ordinance, to regulate density, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design.

5.10.10 Designation of Scenic Roads: The following roads and highways are valued for their vistas. The public vistas from these roads shall be

afforded the highest level of protection. State Highways: Route 1 – from San Mateo County to Monterey County...

5.10.2 Development Within Visual Resource Areas. Recognize that visual resources of Santa Cruz County possess diverse characteristics....Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section. Require discretionary review for all development within the visual resource area of Highway One, outside the Urban/Rural boundary, as designated on the GP/LCP Visual Resources Map and apply the design criteria of Section 13.20.130 of the County's zoning ordinance to such development.

5.10.3 Protection of Public Vistas. Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,...inappropriate landscaping and structure design.

5.10.6 Preserving Ocean Vistas. Where public ocean vistas exist, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

5.10.9 Restoration of Scenic Areas. Require on-site restoration of visually blighted conditions as a mitigating condition of permit approval for new development. The type and amount of restoration shall be commensurate with the size of the project for which the permit is issued. Provide technical assistance for restoration of blighted areas.

Objective 5.11 Open Space Preservation: To identify and preserve in open space uses those areas which are not suited to development due to the presence of natural resource values or physical development hazards.

Objective 8.8 Villages, Towns and Special Communities: To recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character of these areas.

8.8.4. Davenport Character: Require new development to be consistent with the height bulk, scale, materials and setbacks of existing development: generally small scale, one or two story structures of wood construction.

Program (p. 8-12): Enhance Davenport as a visual focus along Highway 1. Prepare a landscaping and design plan, in accordance with the policies of this section, to achieve the following objectives: Clear, coordinated

circulation including: Clear definition of stopping spaces (parking) along the highway frontage for both cars and bicycles; Clearly articulated pedestrian crossings; Adequate parking off Highway 1, nearby, for existing and new uses, and for visitors; Bicycle parking facilities to make the town a more attractive bicycle destination/stop over point. Landscaping to enhance commercial areas, and to assist in definition of parking spaces and walkways, and in screening of parking as appropriate. Emphasis on the area's whaling history and whale viewing opportunities. Elimination of visually intrusive overhead wires. Screening of the cement plant and its parking lot from the residential area to the north.

Additionally, for the Davenport Bluffs Priority Sites (058-0723-01,02,03) which are adjacent to the subject site **Figure 2-5 Coastal Priority Sites – North Coast** has Special Development Standards: to depress and landscape parking areas to limit visibility from Highway 1 and to maintain unobstructed coastal views; to use low growing vegetation that will not obstruct views; to eliminate roadside parking along the property frontage; and to provide interior pedestrian circulation to separate pedestrians from Highway 1.

Implementing provisions are found in the *County Code*. *County Code* Section 13.20.143 contains "Davenport Special Community Design Criteria," including:

(c) Highway 1 Frontage: Development along Davenport's Highway 1 frontage shall conform to the following objectives;

1. Davenport shall be emphasized as a rural community center and as a visitor serving area including:

(i) Site design shall emphasize the historic assets of the town, its whaling history and whale viewing opportunities;...

(iii) Landscaping shall tie together and accent the commercial uses, and assist in the definition of walkways and parking areas, and/or screens parking.

2. Clear, coordinated circulation shall be developed including:...

(iii) adequate parking off Highway 1, for existing and new uses, and for visitors...

County Code Section 13.20.130d specifies:

Beach Viewsheds: The following Design Criteria shall apply to all projects located on blufftops and visible from beaches.

1. **Blufftop Development.** Blufftop development and landscaping...in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive.

County Code Section 13.101.383 contains “Development Standards for the Special Use “SU” District” and states in part:

...For structures other than single-family dwellings and accessory structures, the building height limits, required site area, required yards, and other regulations for any use shall be in keeping with the requirements, restrictions or regulations provided in this Chapter (13.10) for the most restrictive district within which the use is allowed.

The following are the proposed project’s non-residential uses, the most restrictive zoning district in which they are allowed, and the associated “maximum average height:”

Restaurant/café	PR	28’
Micro-juicery (manufacturing) & warehouse	M-1,PA,VA,CT,C-1,C-2	35’
Offices	VA,CT,C-1,C-2,C-4	35’
Conference and seminar facilities	PR, R-A, R-R, R-1, R-M	28’
Retail sales, neighborhood-scale	PR (not full range of uses)	28’
	VA,CT,C-1,C-2,C-4	35’
Day spa, sauna, hot tub	PR	28’
Type A overnight visitor accommodations	PR	28’

Similarly, Section 13.10.384, also pertaining to the “SU” district, states that ,“The design criteria for all other [than residential] uses shall be as provided in this Chapter for the most restrictive district within which the use is allowed.”

Chapter 13.11 contains general “Site, Architectural and Landscaping Design Review.” Of special relevance is the first part of Section 13.11.074(b):

It shall be an objective to reduce the visual impact and scale of interior driveways, parking and paving

(1) Parking Lot Design

(i) The site design shall minimize the visual impact of pavement and parked vehicles. Parking design shall be an integral element of the site design. Siting building toward the front or middle portion of the lot and parking areas to the rear or side of the lot is encouraged...

(ii) parking areas shall be screened from public streets using landscaping, berms, fences, walls, buildings, and other means...

(iii) Variation in pavement width, the use of texture and color variation in paving materials, such as stamped concrete, stone, brick, pavers, exposed aggregate, or colored concrete is encouraged in parking lots to promote pedestrian safety and to minimize the visual impact of large expanses of pavement.

b. De Novo Coastal Permit Findings

The County's Land Use Plan policies taken together require in effect that the impacts of new development in view of Highway 1 be minimized, and that new development in Davenport conform to existing community character. For example, Policy 2.13.4 requires that new neighborhood commercial development be small scale. Other policies require that new development be designed and integrated into the existing community character and aesthetic. In addition, with respect to rural beaches, Section 13.20.130d of the zoning ordinance requires that blufftop development be located out of sight from the shoreline.

The questions of "small-scale" and Davenport's "community character" are thus central to the Commission's review of this project. Currently, the immense Lone Star Industries cement plant dominates Davenport. The character of the adjacent, tightly clustered residential and commercial development reflects its working heritage: whaling industry, agricultural shipping and processing, cement manufacture. In its layout and simplicity of architecture-- devoid of pretense--it is strongly reminiscent of other "company" mining or logging towns in the West. Today, the quarrying and processing of limestone for the manufacture of cement remain the economic backbone of the community. Some diversification is offered by small-scale artisan industries (e.g., glassblowing). And, the two-block commercial strip along the highway frontage continues the process of awakening to the opportunities afforded by the tourist industry.

Ignoring the presence of the cement plant, this commercial frontage could be described as "eclectic frontier rustic" in character. There are a variety of building styles, mostly two stories or equivalent height, none looking architect-designed. Within the County's defined Davenport urban enclave, the project site contains the only significant existing building on the seaward side of the highway.

Main Building

When evaluating the character of an individual building as it relates to other buildings in a community, a number of factors need to be considered, including the building's proportions, layout, exterior finish and any architectural embellishments. Equally important are height, bulk, and other considerations of scale.

In this case, the existing building--which until recently housed the Odwalla juice works--is a long, low-profile wooden structure built as a railroad shipping shed and formerly in use as an agricultural packing and processing plant. It is visible in public views from the highway as well as the beach below. The exterior of the building reflects its industrial purpose. It presents a totally functional, straightforward, unadorned appearance. As such, it is entirely consistent with—and contributes to—the previously-described community character.

In terms of scale, the building's "footprint" (13,127 sq. ft.) combined with its height (24 feet above grade) make it the largest existing building (outside the Lone Star cement

plant) along Davenport's Highway 1 frontage. Therefore, in both architectural style and in scale, this building plays an important role in defining Davenport's special character. In particular, as the biggest building of its kind, it establishes the appropriate limits of scale in this small-scale community.

As discussed in the substantial issue findings for this project, the County-approved project raises is problematic because it would enlarge the existing building and intensify development on the relatively undeveloped coastal bluffs of Davenport. At the same time, the proposed development would rehabilitate and modify the existing structure to accommodate (mostly) new uses--some of which would be visitor-serving uses. In addition, the rebuilt structure will occupy for the most part the existing building footprint and will be limited to two stories in height--consistent with the prevailing two-story equivalence of the Davenport commercial frontage. It also will be sheathed in wood siding or corrugated metal, and as approved by the County would maintain the overall exterior architectural character of the former agricultural packing shed. Such adaptive reuse of older buildings--especially those that contribute to community character and visitor-serving uses in this way--is generally encouraged and welcomed.

Nonetheless, in order to accommodate the new uses, certain exterior architectural modifications are proposed. The County-approved plans show that these modifications include increasing the roof height at the north end of the structure by three to six feet, resulting in a somewhat bulkier appearance and an increased "skyprint" (i.e., profile against the sky). Also, the footprint of the existing structure would be increased by 234 sq. ft. Thus the effort to accommodate the new and increased level of uses results in a somewhat larger building profile, which in turn increases the amount of development between Highway 1 and the scenic shoreline of the Santa Cruz County coast. Additionally, the higher profile would result in a slight increase in the amount of development visible from the beach.

Two fundamental strategies for protecting the coast's scenic resources, as reflected in the LCP policies cited above, are to (1) minimize the amount of new development seaward of Highway 1; and (2) insure that new development is appropriately scaled to fit into existing small-scale coastal communities. In contrast, the approved project would intensify development between the highway and the sea, and "raise the threshold" with respect to what should be the maximum scale for new visitor-oriented commercial buildings in the small-scale community of Davenport. And, to the extent that the increased profile of the building would result in [additional] development visible from a rural beach, the project is inconsistent with the LCP's Beach Viewshed protection ordinance (County Code Section 13.20.130d) as well.

Furthermore, there is a technical issue with regard to height limit. The County staff report says that the zoning which most closely corresponds to the General Plan designation applies. However, the cited *Code* section actually requires use of the most restrictive zoning district. The *Code* section is not explicit in addressing which most restrictive district to use in the case of multiple uses with varying most restrictive districts. It can be read as directing that the most restrictive of the zoning districts for any of the uses applies. In this case, the predominant uses are permitted in the PR

district, which has the most restrictive height limit of 28 feet. (The lower portion of the property where the riparian corridor is and adjacent properties to the south and east are also designated “PR.”) The building is currently at 24 feet. The County approved a 30 foot height without a variance, based on using the standards of the “C-1” district, which are not the most restrictive for the uses in question.

With regard to the main building, the primary way to satisfy the visual and community character policies is to not enlarge its size. It is already large by Davenport standards and intrudes somewhat into the beach and Highway viewshed. Therefore, any changes to the main building should be of a rustic appearance with earthen tone colors that blend with the surrounding landscape or corrugated metal siding replicating an agricultural building. This can be accomplished by retaining County Conditions IV.A.1 and IV.A.12.a. Additionally, other specific design measures that the County required are necessary. Night lighting shall be minimized, signing shall be controlled, and landscaping shall shield the structure and parking area, while being maintained so that it does not become overgrown and further block shoreline views. Also, new utility services shall be undergrounded, and rooftop equipment and trash receptacles should be screened. These measures can be accomplished by retaining County conditions IV.A.10, IV.A.6, IV.A.12.b, VI.B, V.G, IV.A.4, IV.A3, and IV.A.5 respectively.

Upper Parking

Beyond the main building, the proposed 66 car parking lot on the upper portion of the site entails significant impacts on visual and community character resources in Davenport. The difficulty with the parking lot is that it directly raises the conflict between the promotion of visitor-serving uses, which tend to be parking intensive, and the protection of visual resources and community character. Whatever uses are approved on the site, the project needs to meet County parking standards. Therefore, in order to accommodate the proposed new types of use, the County’s approval provided for expanded parking facilities. These facilities include approximately 13 spaces on the already-paved lower level, and a larger (66-space) parking lot on the upper level (see finding below for more detail on parking requirements).

However, the County-required upper-level parking facility would significantly impact Davenport’s community character. At present, the upper level is an unpaved, undeveloped fragment of coastal terrace, on part of which the owner allows informal public parking. The project as approved by the County would result in this vacant area being converted to a formal, paved, landscaped parking lot paralleling the seaward side of Highway 1. This is in contrast to the extremely informal rural look of parking that exists in the rest of the town.

While mitigations (recessing, landscaping, lighting limitations, and stamped concrete) were required by the County, they are not sufficient to conceal the assembled mass of motor vehicles and will inevitably alter the informality of the existing parking lot. Such upscale improvements are driven by the need to accommodate the increased intensity of use, but will also tend to change the existing community character. This alteration of community character will result both from substituting a prettified “improved” landscape for one which is rough, dirty, and therefore “rustic”—and from increasing the collected

presence of parked motor vehicles in public view. In other words, the County's parking standards for the proposed kinds and intensities of uses dictate that the entire usable Highway 1 frontage of the parcel be converted to a formal parking lot.

The local coastal program also dictates that public view protection is paramount at this site. Again, there are elements of the project, especially lowering of the upper parking lot and the proposed and required landscape screening, that attempt to satisfy this policy directive. However, the project does not adequately conform with the policy 5.10.6 requirement to retain public ocean views to the maximum extent possible. Specifically, the proposed parking lot, when occupied by vehicles, will detract from the overall seaward view enjoyed by southbound travelers and will partially block significant ocean views as seen from Highway 1 as it passes through Davenport. This southbound public view includes distant cliff faces to the south, glimpses of whitewater where the surf crashes against the shoreline, and a broad expanse of bluewater representing the outer reaches of Monterey Bay.

While the finished grade of the lot will be partially recessed below the existing dirt surface and entirely below the adjacent profile of the highway, the parked cars will still be in plain sight. Reflective glare from the sun shining on the vehicles will especially detract from the visitor experience. In addition, the amassed vehicles in the parking lot, when full, will directly impede the whitewater component of this vista. Thus, the public viewshed will be impaired both by the "visual clutter" effect of the parked automobiles, and by direct blockage of the line of sight to the shoreline, for both travelers on the highway and pedestrians.

Overall, there are three visual imperatives related to the approved upper parking lot. One is the necessity to protect the view corridor to the rocky shoreline from where it is visible from Highway One. The second is the general necessity to protect the blufftop's open space character. The third is to maintain Davenport's rustic, small-scale community character. These objectives can be met by eliminating the formalized, paved parking lot (Conditions I.D.2, VI.G). Eliminating the parking lot allows a larger portion of this upper meadow to retain its open space character. Also, by remaining free of structural development and screening vegetation, the important view corridor to the shoreline can be preserved. There are, no doubt, other balances that might be struck between the provision of new uses, particularly visitor-serving uses, and the protection of views. These are discussed in more detail in the parking findings below. Nonetheless, eliminating the upper parking lot will still allow some visitor-serving uses to be pursued, while protecting visual resources and community character to the maximum extent feasible.

Other Structures and Driveway Entrance

Since the proposed driveway entrance is to be moved southerly, the existing entrance area will allow a view of the parking lot and building. This can be mitigated by extending the existing hedge to the south within the Caltrans right-of-way, provided Caltrans approves an encroachment permit allowing this. The new driveway entrance may expose the other existing and proposed free-standing structures on the site. Again, they

can be screened by low-growing vegetation. Thus, the required landscape plan can be modified to address these project elements, as conditioned (IV.A.12.b).

Signing

With regards to signing, the substantial issue findings determined that the standards of the “PR” district, not the “C-1” district govern. The former standards limit a site to only one sign up to 12 sq. ft., rather the 50 sq. ft. of the C-1 district, as indicated in condition IV.A.6. Therefore, a variance is needed to allow additional signs or greater size. A variance is appropriate for several reasons. Given the hidden nature of the lower entrance and the fact that it is on the far end of the property when going south on Highway One, it is appropriate to allow a second sign on the upper lot. Given that the allowed uses are visitor-oriented commercial, not just public recreational; there are potentially multiple uses; the site was previously zoned C-1; and the building itself is largely hidden, it is appropriate to allow a larger sized sign. The County approved two signs totaling 50 square feet, or an average of 25 square feet. This size is appropriate at the main entrance for the reasons just stated; however, the upper area’s sign should be no more than 12 square feet, the limit established in the PR zoning district, due to its visual sensitivity and the conditioned parking restriction. The signs need to be designed and sited so as to minimize intrusion on the view, as conditioned (IV.A.6). Thus, the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity. The variance is also appropriate because there are special circumstances applicable to the property and because it does not constitute a grant of special privileges for the same reasons as indicated in the County setback variance findings (see Exhibit 2), which are incorporated by reference in this approval (with the substitution of the “PR” standards for the “C-1 standards, and the greater sign area for the setback).

Vegetation and Views

Concerns were also raised at the substantial issue hearing and by citizens regarding vegetation. At the upper portion of the lot, there is little substantial vegetation. There are some low-growing shrubs near the existing building, mostly in the Caltrans right-of-way. Some additional screening vegetation was planned, but would not be necessary if no formalized parking is to occur in this area. There are cypress hedges on both sides of the building which the County has required be maintained at no more than 9 feet high. The appellants desire that these be replaced with a low-growing species so that maintenance will not be an issue. However, these trees provide valuable screening while not impinging on views to the ocean from Highway One. Although not native to this area, they are a typical landscaping species, drought-tolerant and well-suited to the ocean climate. Replacing them would be disruptive and not necessary to mitigate project impacts. Similarly, there is a hedge of *Myoporum* within the Caltrans right-of-way in front of the building. The County required that it be maintained at a height not exceeding that of the building. Even if maintenance is lax, no significant views of the ocean are jeopardized and they would not naturally grow much taller. Again, they are a good landscape tree for the area being drought- and wind-tolerant. As to views down Davenport Road to the ocean, they will be opened somewhat, by the necessity to cut some of the willows to move the driveway opening southward. More distant cypress on

the site would tend to continue to block ocean views somewhat, but no more so than the existing willow hedge. There are existing and proposed structures (i.e., boathouse, shed, and greenhouse) that would be exposed by the new driveway entrance. They could be screened with low-growing shrubs as can the portion of the parking lot at the location of the existing driveway entrance.

In sum, as so conditioned in all of the ways mentioned, the proposed project is consistent with the cited visual resource and special community policies of the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* and the Local Coastal Program development standards contained in the *County Code*.

2. Types of Land Use

a. Applicable Local Coastal Program Land Use Plan Policy Provisions:

The governing *1994 General Plan and Local Coastal Program for the County of Santa Cruz* land use plan map designates the site as “Neighborhood Commercial” within the “Rural Services Line.” In addition to the Special Community provisions cited above, the following provisions are applicable to this issue:

Objective 2.13, Neighborhood Commercial Designation To provide compact, conveniently-located, and well-designed shopping and service uses to meet the needs of individual urban neighborhoods, rural communities and visitors.

2.13.2 Location of Visitor Serving Neighborhood Commercial Uses: Designate on the General Plan and LCP Land Use Maps Neighborhood Commercial areas specifically suitable for visitor serving commercial uses, based on: proximity to public beaches, the yacht harbor, state parks, or other tourist or recreational attractions.

2.13.3 Allowed Uses in the Neighborhood Commercial Designation: Allow a variety of retail and service facilities, including neighborhood or visitor oriented retail sales, recreational equipment sales, personal services, limited offices, restaurants, community facilities including child care facilities, schools and studios, rental services, and similar types of retail and service activities.

2.13.4 Expansion of Neighborhood Commercial Designation. Allow only uses that are small scale and appropriate to a neighborhood or visitor service area, and will not have an adverse traffic, noise and aesthetic impacts on the adjacent residential areas. Allow the expansion of Neighborhood Commercial land use designations only where: A need and market exists, and the use will not adversely affect adjacent residential neighborhoods.

2.13.5 Visitor Services within Coastal Special Communities.

Encourage the provisions of visitor serving commercial services within Coastal Special Communities as follows: (a) Davenport: Highway 1 frontage...

2.16.1 Location of Visitor Accommodation Designations: Designate on the General Plan LCP Land Use Maps those areas existing as or suitable for Visitor Accommodations. Require all visitor serving facilities to be located where adequate access and public services and facilities are available, to be designed and operated to be compatible with adjacent land uses, including residential uses, to utilize and complement the scenic and natural setting of the area, and to provide proper management and protection of the environment.

2.16.4 Allowed Visitor Accommodations in Urban Residential Areas:

Allow small scale Visitor Accommodations such as inns or bed and breakfast accommodations in urban residential areas and within the Rural Services Line where the use would be compatible with neighborhood character, surrounding densities, and adjacent land uses.

2.22.1 Priority of Uses Within the Coastal Zone: Maintain a hierarchy of land use priorities within the Coastal Zone: First Priority: Agriculture and coastal-dependent industry; Second Priority: Recreation; visitor serving commercial uses; and coastal recreation facilities; Third Priority: Private residential, general industrial, and general commercial uses.

2.22.2 Maintaining Priority Uses. Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.

8.8.3 Tourist Commercial Concessions: Encourage the provision of tourist commercial services with Coastal Special Communities, as follows: (a) Davenport: Highway 1 frontage...

b. Applicable Local Coastal Program Implementing Regulations:

County Code Section 13.10.331(e) provides:

Specific “C-1” Neighborhood Commercial District Purposes. To provide compact and conveniently located shopping and service uses to meet the limited needs within walking distance of individual urban neighborhoods or centrally located to serve rural communities. Neighborhood Commercial uses and facilities are intended to be of a small scale, with a demonstrated local need or market, appropriate to a neighborhood service area, and to have minimal adverse traffic, noise, or aesthetic impacts on the adjacent residential areas.

Uses allowed include gas stations, banks, meeting halls and conference rooms, barber and beauty shops, community facilities, offices, fitness centers and spas, retail shops, schools, and the like (Code Section 13.10.332).

The Code also contains the following rezoning standards:

Consistent Zone Districts. ...Rezoning of property to a zone district which is shown in the following Zone Implementation Table as implementing the designation applicable to the property, shall not constitute an amendment of the Local Coastal Program. (Code Section 13.10.170(d))

Land Use Designation	Implementing Zoning District	Principal Permitted Uses
C-N Neighborhood Commercial	C-1 Neighborhood Commercial	Neighborhood – serving small scale commercial services and retail uses
	CT Tourist Commercial	Visitor Serving uses and facilities
	PA Professional and administrative offices	Professional and Administrative Offices.
All Land Use Designations	PF Public Facilities	Various public uses
	SU Special Use	No principal permitted uses in SU

Zoning Plan Amendment ...The Planning Commission shall recommend approval of a rezoning only if it determines that:

1. The proposed zone district will allow a density of development and types of uses which are consistent with ...the adopted General Plan;
2. The proposed district is appropriate to the level of utilities and community services available to the land; and
3. One or more of the following findings can be made:
 - i) the character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district;
 - ii) the proposed rezoning is necessary to provide for a community related use which was not anticipated when the zoning plan was adopted; or,
 - iii) the present zoning is the result of an error; or,

- iv) the present zoning is inconsistent with the designation shown on the General Plan. (Section 13.10.215)

Section 13.10.170 further provides:

- zoning and regulations shall be in harmony with and compatible with the Local Coastal Program Land Use Plan and implement its objectives, policies, and programs; and
- zoning and regulations shall not be amended out of conformance with the General Plan.

The following Code sections, in part, govern the SU Special Use district:

Purposes of the Special Use “SU” District ...

(a) **General.** To provide for and regulate the use of land for which flexibility of use and regulation are necessary to ensure consistency with the General Plan, and to encourage the planning of large parcels to achieve integrated design of major developments, good land use planning, and protection of open space, resource, and environmental values...

(c) **Mixed Uses.** To provide for the development of lands which are designated on the General Plan for mixed uses, and where the specific portions of the land reserved for each use have not yet been specified or determined in detail. (Code Section 13.10.381)

Uses in the Special Use “SU” District

(a) Allowed Uses...

1. All uses allowed in the RA and R-1 Zone District shall be allowed in the Special Use “SU” Zone District. Where consistent with the General Plan...
2. All uses allowed in Zone Districts other than RA and R-1 shall be allowed in the Special Use “SU” Zone District where consistent with the General Plan and when authorized at the highest Approval Level...

(b) **Principal Permitted Uses.** The allowed uses in the Special Use “SU” District are not principal permitted uses...for purposes of Coastal Zone appeals pursuant to Chapter 13.20, Coastal Zone Regulations, of the County Code. Actions to approve any uses in “SU” Zone District in the Coastal Zone are appealable to the Coastal Commission...(Code Section 13.10.382)

c. Governing Coastal Act Policies

Coastal permits, even on appeal, must also be found consistent with Coastal Act Chapter 3 Public Recreation policies. These relevant policies include:

30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

d. De Novo Coastal Permit Findings

In order to approve a coastal permit for this site, the proposed project must be consistent with the above governing local coastal program and Coastal Act policies. It is clear from a reading of all of these local and state policies that visitor uses should be emphasized but, as discussed in the previous finding, the incorporation of visitor-serving uses should not compromise scenic protection. In general the mix of uses as allowed by the County satisfies these policies. However, as just discussed, the project needs to be scaled back to reduce adverse scenic and community character impacts. In order to determine the appropriate mix of uses for a scaled-back project, though, a closer examination of the relationship between the parking requirements, other parking alternatives, and various potential uses is needed. This is because the types of uses allowed, even in the existing building, is fundamentally constrained by the required parking ratios for various uses. Indeed, the table below indicates the number of parking spaces that would be required for each type of use, if all of the proposed square footage approved by the County were allocated to each use alone. As illustrated, the visitor-serving uses tend to be more parking intensive. More detail on parking policies and restrictions of the LCP are provided in the next finding as well.

County Parking Standard	Lower Floor (13,000 Sq. Ft.)	Upper Floor (9,560 Sq. Ft.)	Total Parking Needed
1 space/1000 sq. ft of warehouse	13	10	23
1 space/habitable room of a visitor accommodation	22 (with 600 Sq. ft. rooms)	16	38
1 space/600 sq. ft. of manufacturing with a minimum of 2 spaces	22	16	38
1 space/200 sq. ft. of office retail	65	48	113
1 space/200 sq. ft. of public buildings and grounds	65	48	113
1 space/100 sq. ft. of restaurant plus .3/employee	130 plus	96 plus	216
1 space/33 sq. ft. of meeting room	390	288	678

One alternative balance between uses and resources impacts related to parking development is the County approval. This mix of uses and parking was predicated on shared use at different times of the week, and the amount of parking provided (79 spaces) was already below what County standards would require if parking requirements for each of the separate approved uses were combined. Also, the parking arrangement approved by the County did not account for continued informal beach access parking not associated with the facility that might be displaced. The County approval emphasized significant site utilization and addressed visual impacts through design measures. The project included a restaurant/café, retail shops, conference meeting rooms, micro-juicery, warehouse, five offices, five visitor accommodation units, a day spa, one caretaker dwelling unit, a 750 square foot detached greenhouse, a dwelling in the form of a “boat house,” accessways, and benches, served by two parking lots totaling 79 spaces.

In the previous substantial issue recommendation, Coastal Commission staff had recommended a reduced upper parking alternative that would have preserved more of the upper meadow area and further mitigated the visual impact of parked vehicles (through cutting the upper parking area by about two thirds; shortening and narrowing and further recessing it). The result would have been a less intensive development, while still allowing some mix of uses and further emphasizing those of a visitor nature.

For example, one possible configuration of such an alternative is: (1.) 2,000 sq. ft. restaurant, four offices, 1,100 sq. ft. of retail, the boat house, and 10 to 15 inn rooms with a day spa, or (2.) a bed and breakfast or motel of some 25 to 35 rooms (some "units" may be comprised of more than one room). Nonetheless, this alternative would not eliminate the visual intrusion or impact to community character of new formalized parking on the upper portion of the lot.

Another alternative discussed at the May 13, 1999 hearing is the "no upper parking area" recommendation. This would eliminate the visual concerns associated with a new developed parking lot and further reduce the intensity of use of the building. As with the County's alternative, this approach does not address overall public parking issues in the area (see finding below for more detail). More important, under this alternative, the allowable uses would need to be scaled back considerably. This is because there are no other parking options available to the applicants except the lower site. The Commission is not aware of any other opportunities for alternative parking or access to the site and the applicants have indicated that there is none. Any parking on the inland side of Highway One would be problematic, because it would require patrons to cross the busy highway with fast moving traffic and limited sight distance at that location. Furthermore, there does not appear to be any available space in the vicinity. The parking across the street is used by the Davenport Cash Store, and the applicants have ascertained that overflow parking from that facility park on their site. Sites further away would likely require some type of shuttle system, which would appear to be impractical. Use of the railroad tracks is cost-prohibitive. The County is now in the midst of determining whether to bring rail service back between Watsonville and Santa Cruz at an estimated cost of \$300 million. A project from Santa Cruz to Davenport could, therefore, be expected to be comparatively costly with miniscule revenue generation, and is not even being contemplated by local transportation authorities.

A final option to completely deny the proposed project, as requested by several citizens, would not address the need to provide some guidance for the site. The current approved use is for a non-priority juice manufacturing facility that has moved away and for transition to visitor uses. Thus, there is an obligation for decision-makers to provide future direction through an updated coastal permit.

Overall, in order to approve a project that both meets minimal County parking standards, and that provides less parking to protect views and community character consistent with the LCP, the types and amount of approved uses must be de-intensified. Without the upper parking lot, there will be approximately 13 to 20 parking spaces below to serve the main building in addition to the outbuildings (consisting of a boat house, greenhouse, and shed). The exact number of parking spaces will depend on a revised configuration that the applicant will have to prepare consistent with County standards. Thus, there will have to be a commensurate scaling back of the intensity of uses. The least intensive of these uses from a parking perspective are warehousing (1 space/1000 sq. ft.) and manufacturing (1 space/600 sq. ft.). However, these uses are not necessarily appropriate for the subject oceanfront location, under the local coastal program or Coastal Act. The County approved them only in conjunction with a (visitor-

serving) restaurant and juice bar operation. However, such food service operations require substantial parking (1 space/100 sq. ft.).

The most logical and supportable use of the facility given all of the constraints is for overnight accommodations. If the applicants do not add a second story, they would have 12,919 square feet (13,127 existing minus 208 to be removed from Caltrans right-of-way). They had proposed overnight units averaging approximately 600 square feet. They had also proposed a 1,105 square foot spa (which does not generate separate parking demand). With some redesign of the lower parking area to eliminate a proposed loading dock and some landscape areas, they may be able to fit in 20 parking spaces, which would allow 20 visitor units averaging 600 square feet. Thus, there could be a substantial visitor-serving facility that satisfies the LCP's priority use objectives, while also not compromising its visual protection imperatives.

Although an overnight establishment is a possible and desirable outcome from the noted conditions, there is no harm in retaining some use flexibility in case the applicants can make a different scheme work within the confines of this approval. What must be assured is that visitor-serving uses take priority. This can be accomplished by requiring that no more than 50% of the parking spaces be allocated to non-visitor-serving uses (Conditions III.B, IV.A.2, VI.A). Also, if other uses that the County approved might possibly be part of a mixed use project, then the following considerations are applicable.

Regarding warehousing and/or manufacturing, the County's condition linked their use to a food service use so that they could at least be considered as supporting a visitor-serving use. However, since there may not be sufficient parking spaces for a viable restaurant and/or juice bar on the project site, this condition is modified to apply anywhere in Davenport; i.e., manufacturing and warehousing could continue to occur on this site to support another restaurant in Davenport, not necessarily one that has to be on-site. By retaining the condition (VI.A.2) that the otherwise non-priority warehousing and manufacturing uses be linked to visitor-serving uses, the priority of use objectives of the local coastal program and Coastal Act are achieved.

The other proposed non-priority uses are residential and, potentially, office. One residence is proposed in a separate small structure (a boat) and hence does not affect overall project mix. It only requires one parking space. The other residence is proposed in the main building to be a caretaker unit. Thus, it is related to the priority uses. By retaining the County condition to limit to the site two residential dwelling units (VI.A.7) overall priority use of the site should not be compromised.

With regard to offices, the County condition (VI.A.3) to limit them to not exceed 50% of the floor area of the building helps ensure that priority uses are maintained. Further assurance can be gained by tying allowed offices to only those that support priority uses, either the other permitted visitor uses or agricultural or maritime uses, which are also priorities under the Coastal Act.

As so conditioned in all of these ways, the proposed project is consistent with the cited local coastal program and Coastal Act policies.

3. *Parking, Circulation and Public Access*

a. Applicable Coastal Act Provisions

For projects, such as the subject one, which are located seaward of the nearest public road, the Coastal Act's access policies, as summarized below, are germane to an appeal:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,...

Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

b. Applicable Local Coastal Program Land Use Plan Provisions:

The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions are especially applicable to this contention:

Objective 3.3 Balanced Parking Supply. To require sufficient parking to meet demand, but limit parking supply and use available parking as efficiently as possible to support trip reduction objectives.

3.6.1 Transit Friendly Design. Locate and design public facilities and new development to facilitate transit access, both within the development and outside it.

3.6.2. Recreational Transit Facilities. Require new recreation and visitor-serving development to support special recreation transit service where appropriate, including but not limited to, construction of bus turnouts and shelters, parking spaces for buses and shuttle service, and bus passes for employees and subsidies for visitor serving transit services.

3.10.1 Pathways: Require pathways for pedestrian and bicycle use through cul-de-sac and loop streets where such access will encourage these modes of travel as part of new development.

3.10.4 Pedestrian Traffic. Require dedication and construction of walkways for through pedestrian traffic and internal pedestrian circulation in new developments where appropriate.

3.10.5 Access. Ensure safe and convenient pedestrian access to the transit system, where applicable in new developments.

3.10.7 Parking Lot Design. Provide for pedestrian movement in the design of parking areas.

7.6.2 Trail Easements. Obtain trail easements by private donation of land, by public purchase, or by dedication of easements...

7.7.1 Coastal Vistas. Encourage pedestrian enjoyment of ocean areas and beaches by the development of vista points and overlooks with benches and railings, and facilities for pedestrian access to the beaches...

7.7.15 Areas Designated for Primary Public Access. The following are designated as primary public access, subject to policy 7.6.2: North Coast...Davenport bluff, Davenport Beach...

7.7.10 Protecting Existing Beach Access. Protect existing pedestrian...access to all beaches to which the public has a right of access, whether acquired by grant or through use, as established...Protect such beach access through permit conditions such as easement dedications...

7.7.11 Vertical Access. Determine whether new development may decrease or otherwise adversely affect the availability of public access to...beaches and/or increases the recreational demand. If such impact will occur, the County will obtain as a condition of new development approval, dedication of vertical access easements adequate to accommodate the intended use, as well as existing access patterns, if adverse environmental

impacts and use conflicts can be mitigated, under the following conditions:
 (a) Outside the Urban Services Line: to pocket beaches if there is not other dedicated vertical access; ...; to bluffs which are large enough and of a physical character to accommodate safety improvements and provide room for public use as a vista point...

c. Applicable Local Coastal Program Implementation Program Provisions

County Code Section 13.10.552 requires the following amount of vehicular parking spaces:

- 1 per 200 sq. feet of office, retail
- 1 per 100 sq. feet of restaurant plus .3 per employee
- 1 per habitable room of a visitor accommodation
- 1 per 1,000 sq. feet of warehouse
- 1 per 600 sq. feet of manufacturing with a minimum of 2
- 1 per 33 sq. feet of meeting room
- 1 space per 200 sq. ft. of public buildings and grounds
- 2 per one-bedroom residence.

Bicycle parking, loading facilities, and handicapped parking are also required.

The following Code Section 13.10.553 allows a variance to these standards:

(b) **Reductions in Required Parking** Parking facilities for two or more uses that participate in a parking agreement may be shared thereby reducing the overall parking requirement for the uses if their entrances are located within three hundred (300) feet of the parking facility, if their hours of peak parking do not coincide, and /or it can be demonstrated that the nature or number of uses of the facilities will result in multipurpose trips.

Reductions in the total number of parking spaces may be made according to the following table:

<u>Number of independent property users</u>	<u>Reduction allowed</u>
2-4	10%
5-7	15%
8 or more	20%

Code Section 15.01.060(b) provides:

Trail and Beach Access Dedication: As a condition of approval for any permit for a residential, commercial, or industrial project, an owner shall be required to dedicate an easement for trail or beach access if necessary to implement the General Plan or the Local Coastal Program Land Use Plan.

The following Section 15.01.070(b)1 sets the standards:

- (i) Shoreline access easement shall be a minimum of five feet wide.
- (ii) Easements along proposed trail corridors or adopted trail corridors of for bluff top lateral access shall be a minimum of ten feet wide.

Code Section 13.11.074(a)2 provides:

Standard for Pedestrian Travel Paths: (i) on-site pedestrian pathways shall be provided from street, sidewalk and parking areas to the central use area. These areas should be delineated from the parking areas by walkways, landscaping, changes in paving materials, narrowing of roadways, or other techniques.

d. De Novo Coastal Permit Findings

In order to approve a coastal permit, the cited access, parking, and traffic provisions have to be met.

Public Access Trails: The project included two trails from the Highway and one connecting trail along the railroad tracks, as approved by the County. One of the trails shown on the plans and specified in Condition III.C is located in the lower portion of the property south of the building. This trail already exists and provides a key link for accessing Davenport Beach from Highway One. A previous County permit requirement (County permit 74-124-U, condition #6) for this site required permanent, unobstructed public access. However, that condition did not actually require a recorded dedication and that earlier permit will be superceded by this new permit. Therefore the County required a legal dedication pursuant to the cited access provisions, specifically mentioning policy 7.7.15 in its findings and concluding, “the project has been conditioned to require that a permanent pedestrian easement be placed over this trail to ensure that public access along the trail continues in perpetuity.” It is appropriate to retain the essence of this condition (III.A) in order to be consistent with the cited policies and with nonsubstantive changes to conform to the Commission’s practices concerning document recording.

The plans show and the County also required an access dedication on the upper, northern portion of the property from Highway One, down the bluff, and along the railroad tracks. Since, the Commission’s conditions of approval require no parking development in this upper part of the property and hence a smaller development, there is no compelling reason to actually require the public access in this area. However, the applicants should not be precluded from installing these improvements if they still wish. As conditioned for them to submit final site and landscape plans, the opportunity to develop non-intrusive access amenities (trails, benches) is available (Conditions I.D, III.E, V.D).

With regard to the building setback variance, the current building is significantly non-conforming under the County Code because it extends beyond the property line. No major reconstructions are allowed to significantly non-conforming structures without

specific findings being made under section 13.10.265.j. Given that the right-of-way into which the current building intrudes may be needed in the future for public or vehicular access purposes, it would be difficult to make such findings. Instead, the County the granted a variance to allow for a "0" setback, thereby requiring the portion of the building within the Caltrans right-of-way to be removed, as shown on the applicants' plans. Actually, the County-approved plans show about a four foot setback from the property line at the Highway One right-of-way to the base of the structure. The roof of the building extends closer. This leaves some room for an accessway on the property by the building, if necessary. Therefore, with a condition (I.D.1) that there be a four foot setback from the property line, the variance is appropriate for the reasons stated in the County's findings (see Exhibit 2). These are incorporated by reference with the substitution of the "PR" setback of 30 feet being varied, not the "C-1" district's 10 foot setbacks.

Parking: In order to meet the visual policies, conditions are imposed to reduce the area available for parking, as described above. This means that the existing informal parking area will not be converted to a permanent lot. Although counts are not available, site inspections and aerial photo review (1967, 1978, 1987, 1990) reveal the continuous pattern of use on this parking area. The appellants indicated, and staff has observed, that between three and ten cars is common; whether they are all on the subject site or partially on the adjacent site is unknown. Similarly, the applicants' traffic consultants stated that on Tuesday October 1, 1997 and Saturday September 28, 1996 (both clear and sunny days) they "observed no more than 10 parked vehicles in this parking area at any time although the parking area has the capacity to store more than 10 vehicles." The *Davenport Beach and Bluffs Addendum to the General Plan for the North Coast Beaches* estimates 40 vehicles parked in the area during summer weekends. The effect of the applicants' proposal is uncertain. It appears to potentially offer an opportunity for some continued and improved public parking (e.g., paving, safer ingress/egress, connection to neighboring site shown for public parking in *General Plan for the North Coast Beaches*). However, the Commission found (in determining Substantial Issue):

As approved by the County, the proposed project theoretically needs every one of the designated 79 spaces, including spaces on the upper bluff level historically used by the public. None would be left over for the public who do not patronize the project. Only some of the uses proposed are visitor-serving and whether they will cater to the drive-by public is uncertain. There is nothing in the County approval to prevent site owners from privatizing the parking; e.g., requiring all who park there to patronize the establishment. Furthermore, with all possibility of public parking potentially precluded, the motoring public who wishes to stop will have to park elsewhere, thereby, generating a cumulative parking and visual issue, as discussed in other findings.

Elimination of the proposed upper parking lot is appropriate here due to the concerns with applicants' proposal detailed above and the overarching need to protect the public viewshed. There is still available parking on the adjacent Caltrans right-of-way and the

adjacent lot (the applicants' land only contains about one-third of the this informal parking area), and the County is in the process of studying this issue. In approving this permit for a modified project, the Commission recognizes that there is a need for continued and improved public parking in the Davenport area. In addition to public parking provisions being built into specific project reviews, the current Davenport Town Planning exercise under the official auspices of the Board of Supervisors needs to be completed. In particular, there should be a focus on reexamining the *General Plan for the North Coast Beaches*' proposals together with other possible parking strategies, including the use of areas across the railroad tracks where automobiles might be hidden. A future coastal permit could revisit the issue of parking for this particular site.

With regard to the parking that will still be provided for the project's patrons, a condition is necessary to ensure that the site's uses do not generate a demand (based on County standards) that exceeds the available parking area (Conditions IV.A.2, IV.A.8). This will involve a two-step process. First, the applicants will have to redesign the parking area, based on County standards, and calculate the amount of spaces available. Then, these will have to be allocated among uses. The essence of County conditions IV.A.8 and IV.A.9 regarding parking lot requirements can be retained; however, the required bicycle spaces, loading areas, etc., have to be recalculated based on the final approved uses of the permit. And, given the reduction in parking area, only one handicapped space is necessary.

Traffic: The conditioned reduction in project intensity will serve to reduce the amount of traffic generated on the site. This will mean somewhat less traffic on Highway One than projected for the project as originally proposed. And, this greater amount did not result in any policy inconsistency. The Commission, thus, concurs with the County finding that, "These increases in peak hour volumes will not change the operational level of service on this segment of Highway One from its current LOS rating of 'C.'" Furthermore, to ensure smooth traffic flow and minimize impacts, County conditions III.D and V.F, developed in consultation with Caltrans regarding encroachments and a "4-legged" intersection with Highway One, can be retained.

This conditioned approval eliminates the proposed upper parking lot, meaning that all parking will occur on the existing lower lot. The County approval had retained use of the lower parking lot area. However, left turns into this lot from Highway One northbound are prohibited by Caltrans and the County condition (V.F) reiterated that prohibition. Since this will now be the only parking lot serving the project site, the County conditions may have to be adjusted, as provided for in this approval. One option would be to accommodate left turn movements into the project site. This will require the applicants to construct a left-turn lane on Highway One, which entails widening Highway One to the south. This may be problematic, given the steep slopes and possible riparian vegetation present. Another option would retain the left turn prohibition, requiring northbound patrons to travel further north and then make a U-turn. In that case installing directional signage to show how legal access to the site is to be accomplished would be helpful. Some residents have expressed concerns that patrons will instead circle through Davenport streets to access the site. If this occurs and adds excessive traffic to the local streets, it could lead to traffic controls on these streets. In

conclusion, the Commission recognizes that there are complications to limiting parking and hence site access to one location. However, this has been the historic parking and access as the site use has evolved, and is the most screened location from a visual resource perspective. Therefore, the applicants will have to comply with whatever requirements are imposed by the County and Caltrans. Since this will entail different plans than submitted with the application, there is a need for the applicants to submit final off-site improvement plans for review, as conditioned (I.D.4).

As so conditioned in all of these ways, the proposed project is consistent with the cited local coastal program and Coastal Act policies regarding access, parking, and traffic.

4. Public Services: Sewer and Water

a. Applicable Local Coastal Program Provisions:

The following 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* provisions are applicable to these contentions:

2.1.4 Siting of New Development. Locate new residential, commercial, or industrial development, within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.

2.2.2 Public Infrastructure (Facility and Service) Standards for General Plan and Local Coastal Program Amendments and Rezonings: For all...rezonings that would result in an intensification of...land use, consider the adequacy of the following services, in addition to those services required by policy 2.2.1 [water, sewer, etc.] when making findings for approval. Allow intensification of land use only in those areas where all service levels are adequate, or where adequate services will be provided concurrent with development...

5.6.1 Minimum Stream Flows for Anadromous Fish Runs. Pending a determination based on a biologic assessment, preserve perennial stream flows at 95% of normal levels during summer months, and at 70% of the normal winter baseflow levels. Oppose new water rights applications and time extensions, change petitions, or transfer of existing water rights which would individually diminish or cumulatively contribute to the diminishment of the instream flows necessary to maintain anadromous fish runs and riparian vegetation below the 95%/70% standard.

5.6.2 Designation of Critical Water Supply Streams Designate the following streams, currently utilized at full capacity, as Critical Water Supply Streams: Laguna, Majors, Liddell, San Vicente, Mill, and Reggiardo Creeks;... Oppose or prohibit as legal authority allows, new or expanded

water diversion from Critical Water Supply Streams. Prohibit new riparian or off stream development or increases in the intensity of use, which require an increase in water diversions from Critical Water Supply Streams. Seek to restore in-stream flows where full allocation may harm the full range of beneficial uses.

Program G [under Chapter 5.6] Develop more detailed information on streamflow characteristics, water use, sediment transport, plant and soil moisture requirements, and habitat needs of Critical Water Supply Streams and streams located in the coastal zone. Use this information to formulate a more detailed strategy for maintenance and enhancement of streamflows on Critical Water Supply Streams and to better understand the role of streamflows in watershed ecosystems and provide a basis for cooperative management of watershed ecosystems/

Objective 7.18b Water Supply Limitations. To ensure that the level of development permitted is supportable within the limits of the County's available water supplies and within the constraints of community-wide goals for environmental quality.

7.18.1 Linking Growth to Water Supplies. Coordinate with all water purveyors and water management agencies to ensure that land use and growth management decisions are linked directly to the availability of adequate, sustainable public and private water supplies.

7.18.2 Written Commitments Confirming Water Service Required for Permits. Concurrent with project application require a written commitment from the water purveyor that verifies the capability of the system to serve the proposed development. Project shall not be approved in areas that do not have a proven, adequate water supply. A written commitment is a letter from the purveyor guaranteeing that the required level of service for the project will be available prior to the issuance of building permits. The County decision making body shall not approve any development project unless it determines that such project has adequate water supply available.

7.18.3 Impacts of New Development on Water Purveyors. Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval.

7.19.1 Sewer Service to New Development: Concurrent with project application, require a written commitment from the service district. A written commitment is a letter, with appropriate conditions, from the service district guaranteeing that the required level of service for the project will be available prior to issuance of building permits... The County decision making body

shall not approve any development project unless it determines that such project has adequate sewage treatment plant capacity.

7.20.1 Community Sewage Disposal Systems, ...Within the Rural Services Line. ...Community sewage disposal systems should be sized to serve only the buildout densities for lands within the RSL.

b. De Novo Coastal Permit Findings

In order to approve a coastal permit for the project, the cited local coastal program policies have to be satisfied. As conditioned to limit the intensity of use (by the parking limitations discussed above), the amount of water used and wastewater generated will likely be less than projected in the county permit file. For example, if the use of the building was a bed and breakfast or motel of 20 rooms (some “units” may be comprised of more than one room) and a day spa, then projected water use would be approximately 4,510 gpd instead of the projected 5,293 gpd. Wastewater generation would be correspondingly reduced. (It would be about 500 gpd less, which is the amount of water use projected for irrigation.)

When the juice plant was in operation in the late 1980’s and early 1990’s, average daily water use was in the range of 10,000 gallons per day, since then, as noted, it has been 2,300 gpd. Therefore, the project will result in more water use than recently, but much less than in the previous period. According to the County permit file, the owners actually have paid for a water connection for 4,216 gpd. They may be able to stay within this amount of use under the noted permit conditions. If not, then to comply with *1994 General Plan and Local Coastal Program* policy 7.18.2, they will need an updated written commitment from the Davenport Water and Sanitation District guaranteeing that the required level of service for the project will be available prior to the issuance of building permits, as conditioned.

With regard to wastewater the County permit file indicates that the property owners paid a sewer service connection fee for 1,405 gpd (prior to that time the parcel utilized an on-site septic system). The Sanitation District estimated that the proposed project would generate 4,792 gpd and thus required a connection fee (equaling \$43,038) based on the difference, after a 50 gpd credit for one residential unit. Just as for water, the applicants will need an updated service commitment letter for any amount of wastewater to be generated above the 1,405 gpd in order to satisfy policy 7.19.1, as conditioned. The Sanitation District has secured the necessary funding for the sewer replacement project and is now advertising for bids to construct the project.

The County conditioned the project to be completed in three phases. Such phasing seems unnecessary, especially with the required revisions to the project. But, if the revised water calculations exceed the 4,216 gpd figure or the revised wastewater calculations exceed the 1,405 gpd figure, then phasing the project and hence the building permits, would be a way of allowing some construction to occur before all the system improvements are completed. Since the day spa consumes much water, it could be deferred or eliminated, if necessary. The essence of County conditions IV.A.13, IV.B, and IV.C regarding paying for the water and wastewater system improvements can be retained; the required payments would have to be recalculated based on this conditional approval. Furthermore, County condition VI.B

can be retained to require water conservation practices for landscape irrigation. As so conditioned in all of these manners, the project is consistent with the relevant local coastal program policies.

5. Nonpoint Source Pollution

a. Applicable Local Coastal Program Provisions

The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions are applicable to this topic:

5.4.14 Water Pollution from Urban Runoff. Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

5.7.4 Control Surface Runoff. New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors and locals consistent with urban street designs; and (b) oil, grease and silt traps for parking lots...or commercial ...development.

5.7.5 Protecting Riparian Corridors and Coastal Lagoons. Require drainage facilities, including curbs and gutters in urban areas, as needed to protect water quality for all new development within 1000 feet of riparian corridors or coastal lagoons.

7.23.1 New Development. ...Require runoff levels to be maintained at predevelopment rates for a minimum design storm as determined by Public Works Design Criteria to reduce downstream flood hazards and analyze potential flood overflow problems. Require on-site retention and percolation of increased runoff from new development in Water Supply Watersheds and Primary Groundwater Recharge Areas, and other areas as feasible.

7.23.2 Minimizing Impervious Surfaces. Require new development to limit coverage of lots by parking areas and other impervious surfaces, in order to minimize the amount of post-development surface runoff.

7.23.5 Control Surface Runoff: Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:...(b) construct oil, grease and silt traps from parking lots...or commercial ...development. Condition development project approvals to provide ongoing maintenance of oil, grease and silt traps.

b. De Novo Coastal Permit Findings

In order to approve a coastal permit for the project, all of the cited local coastal program policies have to be satisfied. This can be accomplished by retaining the County conditions III.G, V.B, and VI.C regarding drainage and erosion control. Also, as conditioned to eliminate the upper parking lot, policy 7.32.2's call for minimizing impervious surfaces is met. Therefore, as conditioned, the proposed project is consistent with the relevant local coastal program policies.

6. Archaeological Resources***a. Applicable Local Coastal Program Provisions:***

The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions are applicable to this topic:

5.19 Archaeological Resources Objective: To protect and preserve archaeological resources for their scientific, educational and cultural values, and for their value as a local heritage.

5.19.2 Site Surveys: Require an archaeological site survey as part of the environmental review process for all projects with very high site potential as determined by the inventory of archaeological sites, within the Archaeological Sensitive Areas, as designed on General Plan and LCP Resources and Constraints Maps filed in the Planning Department.

5.19.4 Archaeological Evaluations: Require the applicant for development proposals on any archaeological site to provide an evaluation, by a certified archaeologist, of the significance of the resource and what protective measures necessary to achieve General Plan and LCP Land Use Plan objectives and policies.

Regarding Implementation, *County Code* Chapter 16.40 has detailed provisions to protect "Native American Cultural Sites."

b. De Novo Coastal Permit Conditions

In order to approve a coastal permit for the project, the cited local coastal program policies have to be satisfied. This can be accomplished by retaining County condition V.I regarding ceasing work if archaeological resources are found. As so conditioned, the project is consistent with the relevant local coastal program policies.

7. Cumulative & Growth-Inducing Impacts

a. Applicable Local Coastal Program Policies

The following 1994 General Plan and Local Coastal Program for the County of Santa Cruz provisions are applicable to this topic:

2.1.3 Maintaining a Rural Services Line. Maintain a Rural Services Line to serve as a distinct boundary between rural areas and existing enclaves with urban densities. Prohibit the expansion of the Rural Services Line.

2.1.4 Siting of New Development. Locate new residential, commercial or industrial development, within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.

2.3.5 Areas Within the Rural Service Line: Utilize a Rural Services Line (RSL) to recognize and delineate Davenport, Boulder Creek, ...as areas which exist outside the Urban Services Line but have services and densities of an urban nature. Allow infill development consistent with designated urban densities only where served by a community sewage disposal system...

2.23.2 Designation of Priority Sites: Reserve the sites listed in Figure 2-5 for coastal priority uses as indicated. Apply use designations, densities, development standards, access and circulation standards as indicated.

2.23.3 Master Plan Requirements for Priority Sites. Require a master plan for all priority sites. Where priority use sites include more than one parcel, the master plan for any portion shall address the issues of site utilization, circulation, infrastructure improvements, and landscaping, design and use compatibility for the remainder of the designated priority use site. The Master Plan shall be reviewed as part of the development permit approval for the priority site.

Figure 2-5 Coastal Priority Sites – North Coast:

- Identifies the Davenport Bluffs, Parcels 058-072-01,02,03, as a priority use site.
- The Designated Priority Use is existing Parks, Recreation and Open Space with development of coastal access overlook, parking and supporting facilities.
- Special Development Standards require depression and landscaping of parking areas to limit visibility from Highway 1 and to maintain unobstructed coastal views and the use of low growing vegetation that will not obstruct views. Eliminate all roadside parking along the property frontage and provide interior pedestrian circulation to separate pedestrians from Highway 1.
- **Circulation and Public Access Requirements** Coordinate improvements with the parking on parcel 058-121-04. Provide safety improvements for pedestrians crossing

Highway 1 and the railroad right-of-way, improved trails to the beach and bluffs including safety barriers on the bluffs and near the railroad tracks.

The *North Coast Beaches Unified Plan*, which is contained in the *County General Plan* also discusses this property adjacent to the subject site. The Enhancement Plan for Davenport Bluffs shows a 23 -26 space unpaved parking lot directly adjacent to the subject project's proposed parking lot. Also shown is a loop trail (along the edge of the bluff and along the railroad tracks) on the property seaward of the subject site.

Regarding Implementation, *County Code* Section 13.11.072(a)2(i) provides:

Coordinated Development: Coordinated site design (including shared parking and circulation systems...) shall be encouraged on adjacent parcels with similar uses. In such cases, mutual access easements granted to each property owner are necessary. Site plans which allow for future shared use between adjacent parcels are encouraged,,,

b. De Novo Coastal Permit Conditions

In order to approve a coastal permit for the project, the cited local coastal program policies have to be satisfied. With regard to minimized impacts on adjacent recreational lands, construction-related impacts need to be addressed. County condition V.C regarding dust control can be retained. Also, to ensure that excess material is not dumped on recreationally-used lands, the essence of County condition V.A regarding proper disposal of fill materials can be retained. This condition additionally needs to specify that disposal sites are properly permitted.

With regard to opening the adjacent site to increased use via the parking lot connection, visually-related conditions to eliminate the proposed parking lot will result in this connection not being approved at this time. As discussed above, the question of more parking in the vicinity should be left to a future planning process which can address cumulative impacts. The visually-related conditions also serve to demonstrate that any visible rural development west of Highway One must be carefully designed to meet all local coastal program policies. As so conditioned, the project is consistent with the relevant local coastal program policies and will not set an adverse precedent for any similar future proposals.

8: Geotechnical

a. Applicable Local Coastal Program Policies

Chapters 16.10 "Geologic Hazards" and 16.20 "Grading" of the *County Code* enumerate the relevant geotechnical requirements to be followed.

b. De Novo Coastal Permit Conditions

In order to approve a coastal permit for the project, local policies addressing structural stability and erosion control have to be satisfied. These can be met by retaining County conditions II.C, III.F, IV.A.11, V.D, and V.J.3 regarding geotechnical review.

9. Biological***a. Applicable Local Coastal Program Policies***

Several 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* policies primarily in Chapter 5.2 ("Riparian Corridors and Wetlands") and corresponding ordinance provisions primarily in *Code Chapter 16.30* ("Riparian Corridor and Wetland Protection) apply. In particular, Section 16.32.090 of the *County Code* states in part:

(b) The following conditions shall be applied to all development within any sensitive habitat area:...

2.. Dedication of an open space or conservation easement or equivalent measure shall be required as necessary to protect the portion of a sensitive habitat which is undisturbed by the proposed development activity or to protect a sensitive habitat on an adjacent property....

b. De Novo Coastal Permit Conditions

In order to approve a coastal permit for the project, policies addressing biological resources have to be satisfied. This means that the riparian corridor on the property, relating to San Vicente Creek, has to be protected. Most of this area is designated on the land use plan and is zoned "Parks, Recreation and Open Space." No development is shown to occur in this area, which is the southeastern portion of the parcel. However, if a left-turn lane on Highway One needs to be constructed, this area may be impacted. Therefore, it is necessary to require final off-site improvement plans to be submitted. In order to satisfy Code Section 16.32.090(b)2, a condition (III.C) is necessary to provide protection of the riparian corridor. The corridor has only been generally mapped. Since no development is planned to occur in this area, protecting the entire portion of the property shown on Exhibit 4 is sufficient. As an alternative, site-specific resource and buffer mapping could occur to determine a more precise area to protect. As so conditioned, the project is consistent with the relevant local coastal program policies.

C. California Environmental Quality Act (CEQA)

The County issued a Negative Declaration with 11 mitigation measures under CEQA for this project on February 24, 1998. A mitigation monitoring program was part of the final project approval (See Exhibit 2). By and large County conditions providing environmental mitigation measures have been retained in this approval. However, this report has identified and discussed certain additional potential adverse impacts not fully addressed by the local government. Additional or modified conditions have been attached to this permit to address these. Without these conditions, the project would not be the least environmentally damaging feasible project that could occur on the site. There are no additional feasible mitigation measures that would lessen any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA). Therefore, the project is found consistent with CEQA.